

Nature and Moral Natural Law (1991)

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In the last forty years or so, the concept of natural moral law has taken on a number of polemical connotations¹ which oblige one to be careful when dealing with it in a study of this kind. However, regardless of one's viewpoint in these debates, it is necessary to get to know some undeniable facts.

The problem lies above all in the semantic complexity of terms like “nature” and “natural”, which the historical development of philosophical and scientific thought, together with certain ideological pretensions, have simply aggravated, giving rise to considerable confusion. This complexity explains why at the present time, partly because of linguistic problems, it is not easy to build clear arguments with these terms. So it seems worthwhile to start our study of natural moral law with an overview of the objections against it, followed by some clarifications of a semantic and historical character.

¹ There are the classical objections of H. WELZEL, *Derecho Natural y justicia material*, Aguilar, Madrid 1957 and H. Kelsen, *Justice et Droit Naturel*, in VARIOUS AUTHORS, *Le Droit Naturel*, Paris 1959. For an overall vision of the more recent debates, see VARIOUS AUTHORS, *La legge naturale*, Ed. Dehoniane, Bologna 1970 and VARIOUS AUTHORS, *Dibattito sul diritto naturale*, Queriniana, Brescia 1970: the essays in these two collective works are of very unequal value. A helpful recent revision of the problem can be found in M. RHONHEIMER, *Natural Law and Practical Reason. A Thomist View of Moral Autonomy*, Fordham University Press, New York 2000.

1 *The Present Debate Regarding the Concept of Nature in Ethics*

One of the most debated questions in recent years is whether one can attribute a normative character to the concept of the nature of the human person. On the one hand, we say that everything which human beings do is human; while on the other, we say that some actions done by humans are inhuman, contrary to the nature of man, to his dignity. Can we legitimately use the concept of nature and the dignity of the human person in this normative way? The argument against says that man is a being endowed, by nature, with instincts that are very “plastic”, by which we mean that they do not have a fixed response regarding the way of performing or attaining the goods needed for life. Man has to give himself, by means of culture, a “second nature” which he needs in order to survive. The moral world would operate precisely in the field of this cultural “second nature”, which fits man for the social, historical, technological, etc. conditions he finds himself in. This “second nature” goes beyond the first, and cannot be measured normatively (judged) by it. This objection affirms, in the last analysis, that nature is the object (the matter) of human activity, and this activity cannot have in that (first) nature its internal rule. Nature is not the end of praxis. The end or aim of praxis would be, precisely, to solve the human problems which nature does not solve. And for that purpose nature needs to be manipulated and transformed. To say that nature needs to be manipulated does not necessarily mean a degradation, but rather a humanising of life and the world. This humanisation is the real aim of praxis. Let us now take a closer look at the objections some authors make to the concept of natural moral law on the basis of the general attitude we have just described.

First it is said that the *concept of nature is insufficient* as a basis for a general explanation of the moral problem. Doubts are voiced as to whether it is adequate—and if so, to what extent—to build upon the concept of nature a global conception of human good, because both modern philosophy and science understand as nature that which is not human.

It is further alleged that the *concept of nature is insufficient* to distinguish what is morally good from the morally bad. The concept of human nature ought, it is said, to contain a reference to the free development of the person in culture and history, in which case it would not be possible to extract from the concept a code of universally valid concrete moral norms. All one could extract, in the best of cases, would be a few norms of a generic kind: such as, the need to strive to make the world more human. Besides, objectors add, the problem cannot be solved by a reference to God as creator. Within a creationist conception, the objection continues, everything can be put in relation with God, whether it is what has to be accepted and respected (like human life), or what one has a duty to combat (such as illness). It does not seem possible that a reference to God the Creator can justify the validity of opposed ethical criteria before facts that are equally “natural”, in the sense of being created, like life and illness. Even less could one justify that two medical operations, like getting contact lenses or procedures for artificial procreation, both of which seek to correct defects of nature, such as short sightedness and sterility, or that preventing two biological processes, such as an infectious illness and pregnancy, through antibiotics and contraceptive drugs, be given contrary ethical evaluations.

The reader will have detected the flaws in the reasoning behind these examples. Illness and pregnancy are not equally “natural”. The first is a contingent fact, the second has an objective purpose. No one could argue that the human body is *for* infectious disease (this is a non-desirable accident), and no one can deny that sexuality is also *for* procreation (we are not discussing now whether procreation is the only meaning of sexuality, but simply affirming that it is a fundamental one).

Finally, it is held that the *concept of nature is insufficient as a foundation for ethical normativity*. Here the fear above all is that the recognition of a normative dimension to the concept of nature will lead to confusing the laws of physics or biology, which belong to the world of necessity, with the laws of morality, which is the kingdom of freedom, the spirit, history, the antithesis of physical regularity. It is feared, moreover, that man could end up subordinated to physical laws and their dictates, which would happen every

time it is affirmed that given data, by the simple fact of being “natural”, are unalterable values. As for the theonomic dimension of the concept of nature, the objectors are willing to recognise that God as Creator keeps every thing in being, but they doubt that God has wished to establish in the world, through the laws of nature, an ethical order for human freedom. They feel that such a hypothesis would show scant respect both for human autonomy and for God’s transcendence. Would it not be more respectful to both parties to argue that God has entrusted to human reason to find on each occasion what is most suited to the historical and social circumstances of the time?

In these arguments we can find, together with points that genuinely require clarification, notable confusion regarding what is understood as natural moral law. This confusion is due, on the one hand, to ideological pressures and unjustified presuppositions. For example, it is taken for granted that nature is one thing and person another, as if they were antithetical terms. Those who hold the concept of natural moral law are not aiming to subordinate the human person to physical laws and their dictates; rather, they are insisting on the value and primacy of the nature which is proper to the human person, and they think this insistence is legitimate as long as it is not demonstrated that person is a “non-natural” reality. They think, besides, that Ethics, when it underlines the value of the human person, is doing nothing more than to reaffirm the need to respect the nature of things: that persons should be recognised and treated as persons, and things as things. Those who did not accept this, would refuse to accept that every person – regardless of their age, race, religion, etc. – is endowed with a value that puts him above things and above being put to utilitarian goals.

But, on the other hand, it is also true that the confusion is due also to the complexity of the concepts of nature and natural, and we shall try to deal with this now.

2 Semantic and Historical Notes Regarding the Concept of Nature

The notion of nature has always had a very wide semantic field. Here are some of the meanings given to the word in philosophical and scientific literature down the ages: 1) Birth; 2) Generating principle; 3) God (*natura naturans*); 4) The intrinsic principle of activity; 5) The subject of all change: matter; 6) Form; 7) The essence and, therefore, the principle of rationality or intelligibility; 8) Being in the widest sense; 9) Substance; 10) Everything created or creatable; 11) That which is opposed to the supernatural; 12) Material substances; 13) A spontaneous or instinctive inclination in things; 14) A primitive pre-cultural and pre-social state of man (Rousseau); 15) What takes place in man without reflexion; 16) The kingdom of determinism, of the mechanical, that is, of what is not free; 17) The sense world; 18) The moral normative principle; 19) The individual character of each living being, especially man.

Turning to the adjective “natural” we find that the variety is not much less. We could group the meanings under ten headings: 1) Belonging to nature; 2) Agreeing with the character of things; 3) Native to or originating in a town or nation; 4) Made genuinely, without artifice; 5) Ingenuous and without duplicity in his behaviour; 6) Things which imitate nature; 7) What is usual and commonly happens, and is, therefore believable; 8) What is produced simply by natural forces; 9) Temper, manner of being, complexion, temperament; 10) The instinctive inclination of irrational beings.²

In the course of history, and due in large part to the evolution of scientific thought, Philosophy has given greater importance to certain semantic areas of the concept of nature, and this has complicated even more what was already a complex concept. In classical Greek philosophy nature is seen above all as the

² Cf R. PANIKER, *El concepto de naturaleza. Análisis histórico y metafísico de un concepto*, CSIC, Madrid 1951; M.J. NICOLAS, *L'idée de nature dans la pensée de St. Thomas d'Aquin*, Téqui, Paris 1979; R.G. COLLINGWOOD, *Idea de naturaleza*, Mexico 1950; A. MILLAN PUELLES, *Léxico filosófico*, Rialp, Madrid 1984, entry “Naturaleza”

source of the activity and passivity of a being and, also, as that which things really are. Christian philosophy modifies this idea of nature somewhat by bringing into it the concept of Creation: nature for medieval scholasticism is above all the work of God, *creatura Dei*, what guarantees its intrinsic beauty, goodness and dignity as *imago et vestigium Dei*.³ This should not be understood to the detriment of the value of rationality. Indeed, nature is seen as an ordered whole inasmuch as it is measured by God's Reason. As such it is seen as bearing a project of meaning which, precisely because of its intrinsic rationality, can be discovered by the action of human reason.

For large sectors of modern philosophy the concept of nature has changed its meaning completely. Nature is understood rather as what our thinking predicates of or puts into things so that they can become intelligible (we will not go into the question of the extent to which this change of meaning is to be attributed to the nominalist crisis of the 14th century). From his contact with things, man would receive a set of chaotic and unconnected impressions. The intellect's unifying role creates a formal legality thanks to which things acquire a stability and order without which they cannot even be thought about by science. Nature is not what things really are, but what they appear to be when they are thought about according to the laws of mechanics. Nature signifies formally the legality of space-time phenomena, and it is precisely in this meaning that Kant affirms that it is the human mind which produces and dominates nature (*formaliter spectata*). Nature does not precede man, but *is the world which man himself has structured*. If this were really so, it would be meaningless to speak of a natural normativity. Max Scheler points out that, compared with the classical ideal of the contemplation of the universe, Kantian apriorism represents a hostile attitude towards a chaotic external world. What psychologically motivated the apriorism of pure reason "was deep down simply the *hatred of the universe* which comes through vigorously in the ideology of the modern world, hostility to the world, a radical distrust of it and, as a result, the need of 'unlimited' action to 'organise' and 'dominate' it."⁴ If we bear in mind that the scientific explanation of the world is an

³ Cf G. MARTIN, *Science moderne et ontologie traditionnelle chez Kant*, PUF, Paris 1963, 78

⁴ M. SCHELER, *Etica*, 2 ed., Revista de Occidente, Buenos Aires 1948, 1, 106; our translation.

explanation through causes, and that causality—in Hume and Kant, and not only in these two authors—is understood as the necessary connection between two phenomena, it is obvious that nature is conceived as what is other to the spirit, as the antithesis of freedom.

This wide semantic field has been accompanied by the formation of concepts of nature and the natural which are not only diverse, but even contradictory. If nature is understood to mean what is mechanical, unreflective, what is opposite to deliberation and freedom, the concept that results will be applicable only to realities that are outside the moral order. A “natural moral law” would mean then a subordination of the person to the laws of physics or to instincts. If, moreover, in the human sphere one attributes to natural mechanisms a markedly hedonistic orientation (as occurs in the empiricist psychology with which Kant was familiar), the maxim *agere secundum naturam* would lack any ethical meaning, since morality would consist precisely in acting independently of natural (instinctive) tendencies, and it would become legitimate to speak of the *world of nature* as opposed to the *world of morality*.

But even among those who admit the validity of *agere secundum naturam* there are great differences, depending on whether nature is understood as universal essence, and then, for example, all men would have equal dignity, or as individual complexion, in which case that equality of dignity would have no natural foundation (since, “by nature” in this sense, some men are stronger and more intelligent than others). Or again depending on whether nature is set against reason and culture (Rousseau) or as an order of ends which should also, and principally, have a rational and cultural realisation (St Thomas Aquinas).⁵ Indeed, if we set nature against reason and culture (Rousseau) and consider as natural and good only what our *birth* (that is, nature as the birthgiving principle) gives us in a spontaneous and immediate way, independently of any mediation by reason or culture, we would reach the absurd conclusion that what is natural and good is to go about naked, be unable to speak, feed only from one’s mother’s breast, etc. But we should not fall into ridiculing Rousseau, because when he insisted on his idea of the

⁵ Cf STh 1-2 q94 a5 ad 3

state of nature, he was bringing out a profound truth, albeit in an exaggerated manner: *not everything which is in some way the result of reason or culture sits well with the nature of man*. It is not enough for something to be cultural or, at least from some point of view, reasonable, for it to be good.

The conclusion to be drawn from these considerations is, on the one hand, that not all the possible meanings of the concept of nature and the natural are compatible with the idea of morality and, on the other hand, that the objections studied in the previous sub-section can be answered if one makes more precise and clear the meaning in which the concept of nature is to be used in Ethics. In this sense, among the spread of meanings given to nature and the natural we can make some clarifying distinctions. Thus, some of the meanings listed suit the *physical or cosmological concept of nature*; others, instead, are proper to the *metaphysical concept of nature*.

Nature in the physical sense refers exclusively to corporeal beings (which are the subject of the Philosophy of Nature), and so, in the physical sense, natural is the opposite of everything that is spiritual and free, and also of what is artificial and cultural. In this sense, we give the name natural to processes which arise directly and entirely from the constitutive structure of a being, understood as an active individual principle. Thus, spontaneous activities, which are directed *ad unum* (to one purpose) and attain their objectives infallibly, are natural. Clearly, the concepts of nature and natural in this physical-cosmological sense are not easily applicable to moral activity.

The metaphysical concept of nature refers, instead, to everything real, and not only to “physical” realities. Nature in the metaphysical sense is the very essence of a being considered as the principle of its specific operations and passions. There is no longer here an opposition between natural and spiritual or free, because both spirit and freedom have their nature. In this sense, we speak of spiritual natures and the nature of the human person.

Another important distinction among the meanings of nature and natural is that which exists between nature in a universal sense and nature in an

individual sense. In the metaphysical sense, nature is the proper character of a being on the ontological plane, which is at a deeper level than that of “facts”, than that which happens contingently to one or more individuals. Not everything which happens to an individual human being is “natural”, even though it may be happening to him from his very birth. To be blind or dumb is not natural for man, even though there are people blind or dumb from birth. Similarly, certain psychological tendencies exist (for example, suicidal tendencies which appear in certain forms of depressive illness) which are also not natural to man, even though in a particular individual they may arise spontaneously, for all sorts of reasons. Thus, natural in the metaphysical sense tells us of an order of fittingness to the constitutive nature of a being, looked at universally, and cannot be identified with what in fact occurs in some individual cases. It is an order of essential demands, of an objective ordering to an end known by reason, and not always of psychological tendencies subjectively experienced. According to this universal order of fittingness we say, for example, that freedom, the right to live and work, etc. is fitting to every human being, regardless of race, sex or social condition.

3 *The Three Dimension of Natural Moral Law*

To begin our explanation of what the concept of natural moral law really means we can take an observation of Aristotle. “Now of political justice. There are two forms of it, the natural and the conventional. It is natural when it has the same validity everywhere and is unaffected by any view we may take about the justice of it. It is conventional when there is no original reason why it should take one form rather than another and the rule it imposes is reached by agreement, after which it holds good.”⁶ Let us take as

⁶ ARISTOTLE, *Nicomachean Ethics*, 5, 7: 1134 b 18-22 (in Penguin trans, p. 157). Aristotle is speaking here about *ius naturale* rather than *lex naturalis* (both of which are translated as “natural law” in English). On the significance of the two concepts and their difference, cf D. COMPOSTA, *Natura e ragione. Studio sulle inclinazioni naturali in rapporto al diritto naturale*, PAS, Zurich 1971; L. STRAUSS, *Droit naturel et histoire*, Plon, Paris 1954, 283-84; M. SANCHO IZQUIERDO-J. HERVADA, *Compendio de Derecho Natural*; J. HERVADA, *Introducción crítica al Derecho Natural*, EUNSA, Pamplona

an example the law which says that people should drive on the left in Japan. In it there is something which is just solely because authority has decided, when it could have just as well said that drivers must drive on the right, as it does in other countries. But there is also a part of that law which is just by the very nature of things: given the impenetrability of matter, and assuming that there is but one carriageway, it is necessary that those who go one way should drive on one side of the carriageway and those coming the other way on the other side. Hence, there are things which are just by convention and things which are just by nature. Now in this last phrase, what exactly does “by nature” mean? We think that the phrase “to be just by nature”, when referred to the moral sphere, has at the same time a gnoseological meaning, an anthropological meaning and a theonomic meaning.

3.1 *The Gnoseological Dimension*

In this first meaning, “to be naturally just” means to be known as such by human reason, a specific faculty of our nature, by virtue of its own intrinsic constitution, and therefore independently of any positive ethical determination (deriving from any authority, be it political, religious, family or other), since this *natural* moral knowledge is the condition which makes possible the intelligibility and acceptance of any positive ethical disposition. We are affirming in effect that there is a non-written law, engraved in the human mind, which is the condition which permits written laws to be made, because it establishes man as a moral being.

Understood in this light, natural moral law designates first of all a fact, and not a theory. The fact is that man is by his very nature a moral being, and that human reason is, by its very self, also a practical or moral reason. Or, to put it in other words, morality is something arising from human nature and which finds in that nature a structure which sustains it, without which

1981; G. DEL VECCHIO, *Filosofía del Derecho*, Bosch, Barcelona 1960 (revision and translation of the 7th Italian ed. by L. Legaz Lacambra); L. LACHANCE, *Le concept de droit selon Aristote et St. Thomas*, Montreal 1933.

morality's sanction would be not only purely external, repressive and unbearable, but also completely unintelligible; something which man could in no way take in. *Natural moral law is therefore, from viewpoint we are now taking, the light of our intelligence thanks to which moral realities are accessible to man*, and which makes it possible for man spontaneously to have a moral experience.

Contrary to what is assumed by some of the objections we looked at earlier, natural moral law is something rational by its very origin, and by that very fact is natural, since reason (and rational love or will) is specific to the nature of the human person. *It consists in the natural light of the intelligence⁷ and in the moral judgments or rational dictates which we formulate with that light.* It could not be otherwise if it was to be a moral rule, because no moral demand can give rules to the will unless it passes through reason: the moral ordering of our acting is a rational ordering.

This natural light of practical reason sees some truths as immediately evident: such as the first principles and the virtues considered in their most general content. Starting out from those first moral truths, it reaches, by means of reasoning, other truths, which are more or less distant from the first evident truths. What is decisive when we come to say if a moral statement belongs to natural law or not, is not so much that it is immediately or mediately evident, but the fact that it has a *necessary connection* with the first principles or virtues. If that necessary connection exists, even though men may have taken time in discovering it, we have before us a rule of natural moral law. If it does not exist, then what we have before us must be undoubtedly a positive ethical disposition, established by some authority be it political, religious or familiar, etc. In our view it is not accurate to think that natural moral law refers only to a few general principles: general principles – and at times not so general ones – are those seen with immediate evidence, but not those

⁷ *Lex ergo naturalis nihil est aliud quam conceptio hominis naturaliter indita, qua dirigitur ad convenienter agendum in actionibus propriis* (ST THOMAS AQUINAS, *In 4 Sent* d33 q1 a1 c: “Natural law is therefore none other than a naturally inborn conception of man, by which he is directed to act suitably in his own actions”). Cf F. ROUSSEAU, *Loi naturelle et dynamisme de la raison pratique*, in “Laval Théologique et Philosophique” 32 (1976) 165-88

acquired on the basis of moral discourse, a capacity which also pertains from its very origin to human reason inasmuch as it is a practical reason.

Since it is not a necessary characteristic of natural law that it be immediately evident and, even less so, innate, the need for moral education of the individual by family and society is not a real objection. Natural Moral Law is “natural” for man a bit like language is. Irrational animals will never be able to speak. Man is by nature able to speak, but he needs an apprenticeship. How well he speaks will depend on the quality of his apprenticeship. Similarly, defects of learning will be the reason for a good proportion of the diversity of moral judgments regarding the same behaviour which can at times be found among men. This too is not an objection to the existence of natural moral law. It would be an objection if we found completely amoral men, with no practical reason, who did not assess their lives and those of others with an attitude of value and judgment, even though the attitude might be pretty deformed due to certain causes. The fact that a natural capacity may develop or be used in a defective way is no reason to conclude that such a capacity does not exist.

Finally, we must point out that the concept of law is taken from civil laws, which are the laws easiest for us to know. This concept needs to be applied analogically to natural moral law, which is internal and unwritten.

3.2 *The Anthropological Dimension*

We speak in an anthropological sense of *natural moral law* because *moral demands* (which are known naturally by human reason) *relate to the good of the person*, the good and happy life, *to which he is inclined by virtue of his nature* (by virtue of what he *is*, his ontological structure). Thus, these ethical demands respond to the interior ordering of human nature (of which reason is a principal part) and to its natural inclination (*intentio naturae*), in such a way that they help towards the complete development of the potentialities of our nature.

Natural Moral Law is geared to the nature of the person, all of whose natural forces are integrated and harmonised with a view to his good as a rational being. In this line, St Thomas Aquinas explains that everything to which man is inclined by virtue of his nature belongs to natural law. As each being is inclined towards operations fitting to his own form, and the form that is proper to man is the rational soul, man is naturally inclined to act according to reason, which is the same as acting according to virtue. From this we conclude that all *the acts of the virtues are the content of natural law*, since what reason commands is that we act virtuously.⁸

The formally moral element of natural law is constituted by the dictates of right reason. The material basis, on which reason rests to formulate its judgments in matters tied to the body, are the inclinations of the non-rational components of human nature towards their own ends (conservation, development and transmission of life, etc.) Here we understand by inclination not necessarily a conscious psychological impulse, but a relation of objective finality adverted to by reason, in the sense in which we say, for example, that the capacity and tendency to feed oneself has as its proper end the conservation of life and health. With this we do not mean to affirm that our inclinations are a formally moral law, since moral law is always going to be an ordering of reason. What we mean is that human reason, in formulating its dictates in some spheres of conduct and in specifying the actual demands of some virtues, takes as its basis its awareness of the meaning of the different human faculties (for feeding, generation, communication and so forth) and of how they fit into the total good of the person, and so is able to establish which is the proper way and just measure to fulfil their ends and satisfy their tendencies.

We should point out that inclinations are not natural law, but the material basis for some of its demands: in those areas natural moral law is the rational regulation of man's inclinations.⁹ Thus, for example, the ethical regulation

⁸ Cf STh 1-2 q 94 a3 c

⁹ *Omnes huiusmodi inclinationes quarumcumque partium naturae humanae, puta concupiscibilis et irascibilis, secundum quod regulantur ratione, pertinent ad legem naturalem* (STh 1-2 q94 a2 ad 2: "All such inclinations, from whatever parts of human nature, both the concupiscible and the irascible, inasmuch as they are regulated by reason, belong to natural law").

of man's sexual activity cannot fail to take as its point of departure that this activity is already orientated in a definite manner by the biological and psychological structure of sex, though this does not mean simply that biological correctness will always be the equivalent of moral correctness. In other matters, as for example the regulation of certain social activities, reason does not find a similar material basis to build on. In that case deciding what is just becomes more a matter of constituting, than of regulating a pre-existing natural activity.

Let us now simply recall that, in the ordering of human nature, the natural tendency of the will towards the good (*voluntas ut natura*) occupies a completely singular role, by virtue of which it can be said that the fundamental ethical demands are not only naturally known but naturally wanted. That natural desire for the good apprehended by reason is the anthropological foundation of the moral demand, from the dynamic point of view, and is of capital importance for understanding the concept and activity of practical reason.

The anthropological dimension of natural moral law brings out the importance of the connection between Ethics, Anthropology and the human sciences. As our knowledge of the meaning of the different dimensions of the human being grows deeper and more accurate, this allows, on the one hand, a clearer and more exact reflexive (scientific) justification of the ethical demands which reason grasps spontaneously by virtue of natural moral law and, on the other hand, the reaching of new conclusions from the first principles. At the same time, bearing in mind the purely interpretative orientation which is sometimes given to the human sciences, we need to remember that the ethical demands of the moral law are natural, being based on what the person is. The human sciences exercise a positive function inasmuch as they enable us to know better the meaning contained in the ontological structures which constitute the human person, a meaning which is therefore not constituted by the interpretation of the scientist.

3.3 *The Theonomic Dimension*

It is a conviction shared by almost all peoples that moral demands are not purely human demands, and so morality tends to be presented as closely linked to religion. Within the framework of the creationist conception which characterises philosophical realism, *the concept of natural moral law implies that we are dealing with a divine law, that is, with a set of demands which have God as their author and ultimate foundation.* Man's innate capacity to regulate his own behaviour morally is seen, in the last analysis, as a participation, which is proper to a rational being, created in the image and likeness of God, in the order and in the finalising project of the creating Intelligence,¹⁰ and human nature (considered in its corporeal and psychodynamic aspects) is seen as governed by divine Wisdom and, therefore, as endowed with a sense of right and wrong, which – for it to become formally moral – must pass through reason. This has all been summarised by St Thomas in his famous formula: *Natural moral law is the rational being's participation in the eternal law (God's ordaining reason).*¹¹ From this it follows too that injury to natural ethical demands involves ultimately an offence to God, that is, a sin and not just guilt.

This aspect of nature law raises heated objections among liberal minded thinkers, who jealously protect human autonomy and the value of reasoning. But neither in fact is damaged by what we have said, even though it is clear that the theonomic dimension of natural law will not be understandable from an atheistic perspective, a perspective from which many other things which we see and touch are also ultimately incomprehensible; the first of which being the meaning of human existence.

We must clarify, however, that the theonomic dimension of natural law is not

¹⁰ *Lumen rationis naturalis, quo discernimus quid sit bonum et malum, quod pertinet ad naturalem legem, nihil aliud sit quam impressio divini luminis in nobis* (STh1-2 q91 a2: “The light of natural reason, by which we discern what is good and evil, and what belongs to natural law, is nothing other than an impression of divine light in us”).

¹¹ Cf *Ibidem: Lex naturalis nihil aliud est quam participatio legis aeternae in rationali creatura*: “Natural law is nothing else than a participation of eternal law in the rational creature”.

an excuse to provide a solution to all our problems. It does not tell us that we know God's mind directly and in itself, nor that a person who stands by natural law can present his personal judgments as if they were God's judgments. We have no other source of knowledge than reason (we are confining ourselves here to the philosophical sphere, and so are not speaking now of Revelation), which sometimes makes mistakes, and we are not proposing a shortcut to free us from the effort involved in rational discernment. What we are proposing is to provide an explanation and a foundation for a rational capacity which we undoubtedly have. This explanation, moreover, does not lead us to claim exclusive access to the truth. We are only saying that when we do attain moral truth (and this is not always the case), we have attained a share in a divine ordering, which therefore has a value that is absolute and superhuman. The value of our reasoning power and of the truth are therefore strengthened by this transcendental foundation.

Those who think it would be more respectful of God's transcendence and man's autonomy to think that, in creating, God is *not* aiming to establish an ethical order, apart from separating being and good in a way that defies understanding, are seeing the relations between God and men in an exaggeratedly anthropomorphic way, like those between a human father who gives his son a certain quantity of money and says: "I am not telling you how to spend it, it is for you to decide which is a responsible way of using it, that is what your reason is for." Among humans, such behaviour could be taken at times as respecting personal autonomy and dignity, because the father, with that gesture, recognises that his son has, at least, the same intellectual and moral resources as himself; he is treating him as a being of equal dignity. But referred to God, this is unintelligible. Philosophy accedes to God as the creative foundation of the world, and this means that responsibility, goodness, justice, reasonableness, etc. have their originating archetype in God's creative Intelligence and Love. If creation is the work of Intelligence and Love, it is not possible to create without measuring, regulating, finalising and, in this sense, legislating. In creating, God creates *meaning* also. In God, freedom and wisdom are identical and inseparable realities. For man, to stand before the freedom of God is to be measured by his Wisdom. It is true that human reason has to discern good and evil with its own lights, but it can do so because it is like a spark of God's Understanding, and the

order which it discovers and actively formulates is not a purely human order. It is a created order, whose radical constitution can only be understood in relation to divine Wisdom.

What is at stake, then, is not the value of rationality and the necessity of human discernment which, on the contrary, constitute the point of departure for natural law theory. What is at stake is the concept of human reason; more specifically, the realist concept as against the transcendental concept of reason (human reason as ultimate foundation with no foundation).