

## AN EVOLVING MORAL THEOLOGY: SHIFTS IN UNDERSTANDING NATURAL LAW

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### **Abstract**

As moral theology continues to evolve, it reaps many shifts in understanding moral theories, concepts, and praxis. The main inquiry of this paper is how the concept of natural law has evolved in moral theology, and how the new developments in understanding natural law have broken the impasse of the age-long debate between the views of natural law according to nature and natural law according to reason. The new shifts in understanding natural law seek a holistic approach that builds a bridge between the two strains of nature and reason. This results in a rethinking of the pre-rational and biological aspects of natural law, beyond the critique of physicalism levelled against natural law according to nature. The discourse on natural law, however, has gone beyond the debate between nature and reason. The challenge of feminism and global pluralism has brought into critical light new questions about natural law. Having profound implications for the normative criteria of moral judgment, understanding the shifts in the approaches to natural law is central to an evolving moral theology.

**Keywords:** Natural Law, Nature and Reason, Physicalism, Feminism, Pluralism, *Humanae Vitae*, Moral norms, Moral Judgement

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Catholic moral theology has been in an intense state of renewal and transition for some fifty years since the close of Vatican II. Moral theology has been an evolving academic endeavour. The rethinking that has taken place in this field of inquiry has resulted in many shifts of understanding of moral theories, concepts, and praxis. This article focuses on the shifts in understanding the concept of natural law. It begins with the debate between the proponents of natural law according to nature and those of natural law according to reason. Then it presents the new developments in the study of natural law that attempts to bridge these two strains of nature and reason. Going beyond the critique of physicalism levelled against the traditional view of natural law as nature, some scholars bring to new light the importance of discerning the biological roots of morality. Others propose a more holistic understanding of natural law that negotiates a middle position between nature and reason. The paper ends with the critical rethinking of natural law in the face of the challenge of feminism and global pluralism.

The rethinking of natural law has critical implications for the normative criteria for moral judgment. How one judges what is moral or not moral depends on one's understanding of the natural law. A study of the shifts in understanding natural law, thus, is important for a more cogent and coherent understanding of what being moral means.

### **Basis of Natural Law: Nature or Reason**

The raging debates that Pope Paul VI's *Humanae Vitae* provoked were largely due to the differences in understanding natural law. The official Catholic version of the natural law in *Humanae Vitae* is based on the unchanging nature of the human person as determined by the bodily dimensions of human existence. This tradition of natural law (according to nature) has been criticized as physicalist and reductionist, as it is bounded by the "givens" of the human body. Such an understanding of natural law has significant implications for morality. The criteria for moral judgment are based on studying the human structures and their functions in their natural ("God-given") state. Moral norms, as they are "written in nature" are discerned based on the physical properties, operations, and goals of the human faculties. (e.g. the faculty of speech is for truth telling, the sexual faculty is for producing life). Moral obligation is fulfilled by human actions that confirm to the given patterns in nature. Any action that is contrary to nature is immoral. For instance, since the nature of the

human genitalia is to reproduce, any kind of interruption or intervention which frustrates the fruit of procreation is a grave violation of natural law, and as such, is judged as intrinsically evil.<sup>1</sup>

The unchanging laws of nature, as viewed from the permanent structures and functions of the human body, is understood as pointing to the divine will of the Creator. "It calls for men and women to cognizance of the limitations imposed upon us by our physical and animal nature, and it suggests that no lasting happiness or social peace can be attained unless those limits are acknowledged."<sup>2</sup> The appeal of this view of natural law and moral norms derived from it, lies in its moral certainty, clarity, and unambiguity. The physicalist interpretation of the natural law has dominated much of the Catholic moral tradition in sexual and medical matters pertaining to reproduction. It allows moral positions to be taken without ambiguity in every stance where the same kind of physical action occurs.

Many theologians have rejected the basic claim of the traditional natural law that there is an unchanging human nature. Both Karl Rahner and Bernard Lonergan objected to this view as "static" or "classical."<sup>3</sup> What they propose is a view of natural law according to reason which locates the essence of the person not in the fixity of bodily functions but in his or her exercise of will and intellect. They emphasize not the unchanging human nature but the shifting nature of human experiences and circumstances. Natural law according to reason highlights what is distinctive of the human person as a rational and historical being. "From the viewpoint of moral theology or Christian ethics anyone who admits human reason as a source of moral wisdom adopts a natural law perspective."<sup>4</sup> Charles Curran has been consistent in his criticism of the physicalist approach to

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<sup>1</sup>Richard M. Gula, *Reason Informed by Faith*, Mahwah, NJ: Paulist Press, 1989, 227.

<sup>2</sup>Jean Porter, "The Natural Law and the Specificity of Christian Morality," in *Method and Catholic Moral Theology; The Ongoing Reconstruction*, ed. Todd A. Salzman, 209-29, Omaha, NE: Creighton University, 1999, 215.

<sup>3</sup>For Rahner's reformulation of the natural law, see James E. Bresnahan, "An Ethics of Faith," in *A World of Grace: An Introduction to the Themes and Foundations of Karl Rahner's Theology*, ed. Leo J. O'Donovan, 169-84, New York: Seabury, 1980. For a good review and assessment of Lonergan's work on the natural law, see Michael J. Himes, "The Human Person in Contemporary Theology: From Human Nature to Authentic Subjectivity," in Ronald P. Hamel and Kenneth R. Himes, *Introduction to Christian Ethics*, Mahwah, NJ: Paulist Press, 1989, 49-62.

<sup>4</sup>Charles E. Curran and Richard A. McCormick, ed., *Readings in Moral Theology*, no. 7, *Natural Law and Theology*, New York: Paulist Press, 1991, 1.

natural law which runs along several lines. Depending on a moral order that is fixed and undeveloping, this approach reflects the naïve realism of the classicist worldview. It is based on an essentialist definition of reality which views nature as a finished product, so that change and historical process are incidental. Such a view yields moral absolutes based on the action taken in itself, making no place for the creative intervention of reason to humanize the patterns of nature.<sup>5</sup>

The line of interpretation in the “new natural law” theory developed by Grisez and Finnis departs from the older Catholic version of natural law in that it denies that what is moral is defined by the “givens” of nature. Their theory posits that persons as rational agents seek to obtain something that attracts them because it is good. Moral norms must be derived from reason alone, that is, from pure rational intuitions of the basic goods that are self-evidently such, “which provide the fundamental reasons for all action, and which cannot be rationally rejected through direct actions.”<sup>6</sup> According to Grisez and Finnis the eight basic human goods are 1) human life (including health and procreation), 2) knowledge and aesthetic appreciation, 3) skilled performances of all kinds, 4) justice and friendship, 5) religion/holiness, and 6) marriage.<sup>7</sup> Jean Porter sees that while the theory of Grisez and Finnis departs from the older Catholic version of morality, it remains committed to defending the traditional theory of morality.<sup>8</sup> “Even the traditional Catholic prohibition of contraceptives is interpreted by them as a sin against life, which is a violation of the natural processes of sexuality.”<sup>9</sup>

For a long time moral theology has been focused on the rational aspect of the natural law tradition. Reason and not the physical structure of human faculties and actions taken by themselves is the critical norm of natural law. In the human person’s earnest inquiry of

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<sup>5</sup>See Curran’s “Absolute Norms in Moral Theology,” *Norm and Context in Christian Ethics*, ed., Gene Outka and Paul Ramsey, New York: Charles Scribner’s Sons, 1968, 139-173.

<sup>6</sup>Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law*, Grand Rapids, MI: Eerdmans, 2005, 217.

<sup>7</sup>This list (with the exception of marriage which was added later) is taken from Germain Grisez, *The Way of the Lord Jesus*, no. 1, *Christian Moral Principles*, Chicago: Franciscan Herald Press, 1983, 124.

<sup>8</sup>See Porter, “The Natural Law and the Specificity of Christian Morality,” 215-22, and “Direct” and “Indirect” in Grisez’s Moral Theory,” *Theological Studies* 57/4 (1996) 611-32.

<sup>9</sup>Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics*, Grand Rapids, MI: Eerdmans, 1999, 93. See also Germain Grisez, Joseph Boyle, and William May, “Every Marital Act Ought to Be Open to New Life: Towards a Clearer Understanding,” *The Thomist* 52, 3 (July 1988) 365-426.

the truth, reason as understood as *recta ratio* seeks to grasp the whole of reality. A morality that has reason as its basic standard is a morality based on reality. The work of reason is to discover and discern the moral values found in the experience of reality in its existential complexity, as well as its historical particularity. This understanding of natural law has critical implications for morality. Natural law morality is objective morality based on reality, and insofar as reality is not static, but is in a process of change, moral positions must be open to revision. And also insofar as only a part of the whole of reality is grasped at any one time, moral conclusions must be limited and tentative. Significantly noted is that while natural law according to reason is used in magisterial documents on social ethics, natural law interpreted according to the order of nature is used in magisterial teaching on sexual and medical moral matters.<sup>10</sup>

### **New Developments in Understanding Natural Law**

Jean Porter holds that the theory of “pure reason” is no more promising than “pure nature” as a basis for a theory of morality. We cannot claim that a moral theory grounded in reason provides us with a clear alternative.<sup>11</sup> Until recently, most Christian theologians and ethicists have been reluctant to address the question of the moral significance of human nature. Associating this topic with pre-modern accounts of natural law, they found it deeply problematic. Yet, in Porter’s view so long as Christian theologians avoid talking about the moral significance of human nature (rather than just “pure nature” or “pure reason”) both theological ethics and the wider social discourse will be impoverished.<sup>12</sup> Problems in biomedical and sexual ethics make this discussion necessary. Besides not engaging in this discussion prevents theologians from bringing a distinctively theological perspective to bear on the recent work on the biological roots of morality. Studies occasioned by developments in natural sciences (sociobiology) and evolutionary psychology are open to the natural as a source of normative moral guidance. Retrieving the insights of the older natural law theory, in seeing the natural processes as having moral significance, they retain the insight of the older natural law theory but avoid its tendency to absolutism.<sup>13</sup>

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<sup>10</sup>Gula, *Reason Informed by Faith*, 235.

<sup>11</sup>Porter, *Nature as Reason*, 131.

<sup>12</sup>Porter, *Natural and Divine Law*, 27.

<sup>13</sup>Porter, “The Natural Law and the Specificity of Christian Morality,” 222-24.

Evolutionary psychology is premised on the continuity between what we think of as moral practices and the behaviour of at least the higher animals.<sup>14</sup> Ethologist Frans de Waal lists some human abilities that are recognizable in other animals: attachment, empathy; adjustments to and special care for the disabled; internalization of “prescriptive social rules”; concepts of giving, trading, and revenge; tendencies toward peacemaking and social maintenance; and the practice of negotiation.<sup>15</sup> The recent upsurge of interest in the biological roots of human behaviour and in the related question of the moral standing of animals has led philosophers to question the sharp line that has been drawn between a human morality grounded in autonomy and reason and instinctual, non-rational animal behaviour.<sup>16</sup> As a result, a growing number of Christian ethicists have pursued the question of the moral significance of human nature, and this pursuit has not been confined to Catholic scholars. Reformed theologian James Gustafson is one of the most influential voices in these discussions. In his view of the Catholic commitment to natural law, ethics has maintained the importance of nature as a theological category. He writes: “If God is in any sense controlling or ordering nature — from creation of the universe to its prospective demise, from the simplest forms of life to the complexity of the human organism — how can theological ethics avoid nature?”<sup>17</sup>

In the study of the natural law, the body has come up for much attention in recent philosophical and theological work, and the relevance of the body to moral judgment has always been stressed in the traditional Catholic teaching. This has led to its being criticized as tending toward physicalism, particularly in defining sexual norms. The church teaching “tends to revert to a sacralization of physical processes whenever sex is the moral issues.”<sup>18</sup> Lisa Sowle Cahill, however, writes that ethics always has to do with the body, since it is dealing with human action that is embodied. The current interest in the body is largely on the affirmation of the body as constitutive of

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<sup>14</sup>See Stephen J. Pope, *The Evolution of Altruism and the Ordering of Love*, Washington, D.C.: Georgetown University Press, 1994, 99-127.

<sup>15</sup>See Frans de Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, Cambridge, MA: Harvard University Press, 1996.

<sup>16</sup>See Mary Midgley, *Beast and Man: The Roots of Human Nature*, New York: Meridian, 1978.

<sup>17</sup>James Gustafson, “Nature: Its Status in Theological Ethics,” *Logos* 3 (1982) 8.

<sup>18</sup>Richard McCormick, “Some Early Reactions to *Veritatis Splendor*,” *Theological Studies* 55, 3 (1994) 492.

personhood and the specific context of nexus around which social relations and values are built.<sup>19</sup>

Jean Porter's book, *Natural and Divine Law*, "represents an extraordinarily important intervention into this current discussion."<sup>20</sup> Her careful scholarship helps us understand and appreciate natural law as it emerged and developed in the medieval age, and how a retrieval and renewal could move our contemporary discussion forward. Porter attempts to show the points of contact between the Scholastic conception of natural law and contemporary thought. Scholastic writings on the relationship between the pre-rational aspects of our nature and rationality brings to mind the recent scientific and philosophical studies on the relationship between animal behaviour and human morality. Contrary, however, to the accusation that the Scholastics derive moral norms directly from the observation of animal behaviour, they interpret human morality as the distinctively human expression of the ways of behaving that are found generally common throughout the animal kingdom.<sup>21</sup>

For many contemporary readers, the Scholastic emphasis on the rational character of the natural law corresponds to their understanding of natural law. The use of reason is what is distinctively human. This seems particularly to be the common ground between the theory of Finnis and Grisez and that of their Scholastic forebears, but while in one sense this is true, it cannot be pressed too far. There is a fundamental difference between the new natural law of Finnis and Grisez and the Scholastic concept of the natural law. Sharing in the modern view that a line is drawn between the rational and pre-rational, the former hold that moral norms must be derived from reason alone, that is, from pure rational intuition. No Scholastic would interpret reason as autonomous and separate from pre-rational aspects of human nature. Essential continuity is presupposed between what is natural and what is rational, since nature is itself an intelligible expression of divine reason. "In particular, the pre-rational components of human nature have their own intelligible structures, in virtue of which they provide starting points and parameters to the exercise of practical reason."<sup>22</sup>

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<sup>19</sup>Lisa Sowle Cahill, *Sex, Gender, and Christian Ethics*, Cambridge: Cambridge University Press, 1996, 76.

<sup>20</sup>Nicholas Wolterstorff, "Foreword," in Porter, *Natural and Divine Law*, 11.

<sup>21</sup>Porter, *Natural and Divine Law*, 52.

<sup>22</sup>Porter, *Natural and Divine Law*, 93.

In *Nature as Reason* Porter draws from her earlier exposition and analysis of Scholastic thought to construct an original Thomistic theory of natural law. She holds that Aquinas's account of the natural law cannot be fully understood outside the context of his forebears, nor is its significance for contemporary times fully apparent apart from this context. She develops her own account of natural law that uses Aquinas's analysis as its fundamental theoretical structure, but is not a straightforward presentation of Aquinas's own views.<sup>23</sup> It is not possible to detail Porter's account fully here, but it suffices to say that she combines an understanding of natural law that is unapologetically theological and yet takes seriously the Aristotelian naturalism of Aquinas's natural law theory, and therefore avoids being sectarian. While reason is its distinctively human component, it veers away from the sterility of pure rationalism.

Porter's account of natural law is premised on Aquinas's dictum that the natural law represents the rational creature's distinctive way of participating in the eternal law (*ST I-II 91.2*). It is the creature's way of attaining the final end, which is union with God, the first principle and final end of all created existence. This end can only be attained through the process of rational choices, informed by some grasp of what that end might be. The use of reason, however, is not autonomous or self-legislating; it is grounded in the natural inclinations that stem from one's created nature, and the teleological orientation of the creature as a whole, rather than that of particular inclinations, much less of particular organs.<sup>24</sup> Porter writes: "The cornerstone of a Thomistic theory of the natural law will be an account of happiness, understood as the final end and ultimate perfection of the human creature."<sup>25</sup> This end is attained through basic inclinations that are directed toward virtue, making a life of virtue naturally desirable, admirable, and satisfying.<sup>26</sup>

Once again we see the Scholastic continuity of the pre-rational and the rational dimensions of natural law. "Nature as Nature" informs and directs "nature as reason." "Reason takes its starting points from inclinations which are not simply blind surges of desire, but intelligibly structured orientations towards goods connatural to the human creature, and it is informed through a process of ongoing

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<sup>23</sup>Porter, *Nature as Reason*, 46-47.

<sup>24</sup>Porter, *Nature as Reason*, 321-22.

<sup>25</sup>Porter, *Nature as Reason*, 322.

<sup>26</sup>Porter, *Nature as Reason*, 323.



reflection on those intelligibilities."<sup>27</sup> For Aquinas, it is not reason operating by itself that leads to action. While it is true that reason takes its starting point from first principles (for example, "good is to be sought and done, and evil is to be avoided" [I-II 94.2]), by themselves principle do not lead to action until they are engaged by desires, that move one into reflection and action.<sup>28</sup> Daniel Westberg points out that this rules out any interpretation of right practical reason as understood in Kantian self-legislating reason:

Movement towards perfection or completion of a being's nature is described by Thomas as attraction to the good. Moral goodness is established in judgment about actions, but the motivation is attraction, not a sense of duty. Thus the term prudence signals a rejection of a Kantian view of morality based on duty and opposed to inclination.<sup>29</sup>

Cynthia Crysdale also makes a significant contribution to the ongoing discussion on natural law. A key insight of her position is that an understanding of the natural law need not be circumscribed by either of the two strains in the tradition, one emphasizing the givens of the body and the other human rationality and freedom. She proposes a view that undercuts the nature vs. reason debate in our understanding of natural law and the dualism that results from such an understanding. Applying "emergent probability" (defined by Lonergan as a worldview that incorporates both the regularities explained by classical laws and the probabilities explained by statistical laws) to the understanding of natural law, she concludes that such an understanding must be rooted in the nature of the person as conditioned by his or her bodily existence and as progressively shaped by his or her freedom and consciousness. This is a view of the person evolving through the interaction of both the recurrence and creativity built into his or her nature as an embodied being and a free and rational being.<sup>30</sup>

For the retrieval of a truer understanding of the natural law, that overcomes essentialism, James Keenan argues for an interdisciplinary approach to understanding nature and its role in moral reasoning. He writes:

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<sup>27</sup>Porter, *Nature as Reason*, 262.

<sup>28</sup>Porter, *Nature as Reason*, 249.

<sup>29</sup>Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas*, Oxford: Clarendon, 1994, 4.

<sup>30</sup>Cynthia S.W. Crysdale, "Revisioning Natural Law: From the Classicist Paradigm to Emergent Probability," *Theological Studies* 56, 3 (1995) 464-84.

Nature is no longer understood as the pure object that we engage and examine, as something distant and apart from the human being. Nature is not seen as an object as it was in essentialism, rather, nature is a complex and unfolding system about finality, development, and ways of interacting are grasped only partially — though not arbitrarily — by human insight.<sup>31</sup>

This interdisciplinary understanding of nature integrates humanity and nature, so that we better understand ourselves, the better we understand nature. Our capacity for understanding is dependent on human reason and its reflection on experience. And if experience is the base of our continuing understanding of ourselves, as assisted by evolving data from contemporary sciences, then our understanding is partial, relative, and open to revision.<sup>32</sup> Experience is a fluid concept, and as Cristina Traina observes: “Experience is perhaps both the most-cited factor and wildest variable in debates over methods and questions in ethics.”<sup>33</sup>

From this perspective on natural law, the interpretation of natural law norms in contrast to classicist essentialism is an ongoing process. “Ethical norms are not properties of nature, but the results of interpretation of nature.”<sup>34</sup> In a real sense, then we are constantly realizing the natural law; norms change and develop as interdisciplinary investigations disclose fresh discoveries about our humanity and the direction to our full human flourishing. And there is a contextual understanding of core natural law norms that gives them a different texture and spirit, even as they hold abiding values of inclusiveness, equality, and solidarity that constitute a common moral vision.

### **The Challenge of Feminism and Global Pluralism**

The full human stature of women is the moral criterion of natural law from the feminist perspective. This claim is foundational to Rosemary Ruether’s ethics. She writes: “The critical principle of feminist theology is the promotion of the full humanity of women. Whatever denies, diminishes, or distorts the full humanity of women

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<sup>31</sup>James F. Keenan, *A History of Catholic Moral Theology in the Twentieth Century: From Confessing Sins to Liberating Consciences*, New York: Concilium, 2010, 174-75.

<sup>32</sup>Keenan, *A History of Catholic Moral Theology in the Twentieth Century*, 175.

<sup>33</sup>Cristina Traina, “Papal Ideals, Marital Realities: One View from the Ground,” in *Sexual Diversity and Catholicism: Toward the Development of Moral Theology*, ed. Patricia Beattie Jung, 269-88, Collegeville, MN: Liturgical Press, 2001, 270.

<sup>34</sup>Wilhelm Korff, “Nature or Reason as the Criterion for the Universality of Moral Judgments,” *Concilium* 150, *Christian Ethics: Uniformity, Universality, Pluralism*, ed. Jacques Pohier and Dietmar Mieth, 82-88, New York: Seabury Press, 1981, 86.

is, therefore, appraised as not redemptive.”<sup>35</sup> Margaret Farley asserts that the “most fundamental ‘ principle of feminism is that “women are fully human and are to be valued as such.”<sup>36</sup> Lisa Cahill writes that “this criterion, especially as proposed by these two prominent Catholic theologians, serve as an important point of contact with the natural law tradition and also suggests resources for its renewal.”<sup>37</sup>

Feminists also claim that women and men share one common human nature, and that whatever their biological differences and constructed gender roles are based on these differences, the commonality of that nature warrants similar treatment. The virtues and vices of men and women run across the common spectrum, and are not defined by sex or gender. Thus, family and social roles of women and men must not be differentiated by sex or gender. Both women and men should take up domestic responsibilities and social/public roles as true partners in both fronts. Most feminists reject the “two natures” theories that result in gender dualism, securing the dominance of one sex by the submission of the other.<sup>38</sup>

One important theme is that of embodiment. Feminist ethics reacts against theories that link woman to body and nature, and men to mind and soul.<sup>39</sup> This two-nature theory grounds the gender roles assigned to men in the public sphere, where rationality is engaged, and those assigned to women in the private domestic sphere of the home, where affectivity is primary. But as Elizabeth Johnson points out, “with what right are compassionate love, reverence, and nurturing predicated as primordially feminine characteristics, rather than human ones? Why are strength, sovereignty, and rationality exclusive to the masculine?<sup>40</sup> She further writes, “Could it not be, as Ruether formulates the fundamental question, that the very concept of the ‘feminine’ is a creation out of patriarchy, an ideal projected onto women by men, and vigorously defended because it functions

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<sup>35</sup>Rosemary Radford Ruether, *Sexism and God Talk: Toward a Feminist Theology*, Boston: Beacon Press, 1983, 18.

<sup>36</sup>Margaret A. Farley, “Feminist Consciousness and the Interpretation of Scripture,” in *Feminist Interpretation of the Bible*, ed. Letty M. Russell, Philadelphia: Westminster Press, 1985, 44.

<sup>37</sup>Lisa Sowle Cahill, “Feminism and Christian Ethics,” in *Freeing Theology: The Essentials of Theology in Feminist Perspective*, ed. Catherine Mowry La Cugna, 211-334, New York: Harper Collins Publishers, 1993, 214.

<sup>38</sup>Lisa Sowle Cahill, “Feminism and Christian Ethics,” 216.

<sup>39</sup>Susan A. Ross, “Feminist Theology: A Review of Literature: The Physical and Social Context for Feminist Theology and Spirituality,” *Theological Studies* 56, 2 (1995) 330-31.

<sup>40</sup>See Elizabeth A. Johnson, “The Incomprehensibility of God and the Image of God Male and Female,” *Theological Studies* 45, 3 (1984) 456.

as so well to keep men in positions of power and women out of public roles?"<sup>41</sup>

Feminists also reject the cult of motherhood and of sacrifice that define women. The cult of womanhood idealized women and confined them to the home and domesticity. They are seen as more religious, spiritual, and moral than men, and it was their destiny to sacrifice themselves for husband and children. Christian feminist ethics maintains the ideal of self-sacrifice but applies it evenly to women and men in a relationship of mutuality and reciprocity.<sup>42</sup> In what Anne Patrick calls the patriarchal paradigm for virtue, women are expected to excel in charity and chastity while men are trained to think in terms of justice and rights, when in fact all Christians are expected to be kind, chaste, just, and humble.<sup>43</sup> This anthropological dualism results in rigid stereotyping of human characteristics as predominantly masculine or feminine.

Besides the challenge of the feminist revision, the understanding of natural law has also been challenged by global pluralism. The challenge is articulated in terms of the question: Is there a global, universal, or common morality? The book, *Prospects for A Common Morality*, edited by Gene Outka and John Reeder, has brought to the table major pursuits regarding common morality from a broad diversity of perspectives since its publication in 1993.<sup>44</sup> The question of common morality is even now more pressing in the face of global pluralism. Some scholars promote the reality and validity of common morality or global ethics; others hold that if a global ethics is promulgated, it can only be platitudinous and bereft of real content; and still others propose a revised concept of common morality or common that is more praxis-based.

Margaret Farley recognizes the notion of a universal/global morality that has marginalized particular groups and masked differences. For instance is the issue of female circumcision, a cultural practice with deep-rooted meaning and significance for those who practice it, but viewed as a violation of human rights by those who see it from a different cultural and ethical lens. From a feminist

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<sup>41</sup>Elizabeth A. Johnson, "The Incomprehensibility of God...", 456.

<sup>42</sup>Cahill, "Feminism and Christian Ethics," 216-17.

<sup>43</sup>Anne Patrick, "Narrative and the Social Dynamics of Virtue," in *Changing Values and Virtues*, ed. Dietmar Mieth and Jacques Pohier, *Concilium* 191, Edinburgh: T. and T. Clark, 1987, 72.

<sup>44</sup>Gene Outka and John P. Reeder, ed., *Prospects for a Common Morality*, Princeton, NJ: Princeton University Press, 1993.

perspective, Farley sees two major obstacles to universal/global morality: the feminist emphasis on particularity, and the lack of commonality even in women's experiences. Despite these obstacles, she believes in common features of human experience that are recognizable by diverse cultures. She cites the capacity for human suffering and joy as intrinsic to being human, in spite of differences in gender, class, race, and culture. Farley's position is representative of those critical of the Enlightenment's understanding of universal/global morality, but is also representative of those seeking a new way of viewing common morality. She questions whether all efforts to identify commonalities nullify differences, with the contingent mistaken for the essential. She attempts to strike a balance between those who claim that a universal or common morality is an illusion and those who hold that a universal/global morality is determined by a dominant class, and thus marginalizes others and invalidates differences.<sup>45</sup>

We do not need to go to the extreme of cultural relativism<sup>46</sup> resulting in ethnocentric blindness or the extreme of universalism resulting in mindless hegemony. I take the position of a culturally-inclusive universalism, where universal human values find valency and legitimacy in cultures, and cultural values are grounded in inherent universal human values. As the philosopher Martha Nussbaum observes, "there are features of humanness that lie beneath all local traditions and are there to be seen whether or not they are in fact recognized by local traditions."<sup>47</sup> The task of a continuing cross-cultural conversation and education is to bring these features to greater visibility and recognition.

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<sup>45</sup>See Margaret A. Farley, "Feminism and Universal Morality," in Outka and Reeder, *Prospects for a Common Morality*, 170-90.

<sup>46</sup>Matthew Weinberg cites Robert Edgerton's work, *Sick Societies Challenging the Myth of Primitive Harmony*, New York: The Free Press, 1992. He writes: "His research demonstrates that entire societies are sick — a reference to the systematic and unjust treatment of certain of its members such as woman — and that such dysfunctional societies inevitably perish [...] their social and decision-making structures serve no other purpose than to institutionalize inequality and injustice. Thus, the mere fact that differences across cultures exist does not mean that all variations in social and cultural practices are right or acceptable. On these grounds relativism itself has been critiqued as immoral." Matthew Weinberg, "The Human Rights Discourse: A Bahá'í Perspective," <http://info.bahai.org/article1-8-3-2.html>, accessed 17 July 2009, 1-15, at 3.

<sup>47</sup>Cited in Matthew Weinberg, "The Human Rights Discourse: A Bahá'í Perspective," <http://info.bahai.org/article1-8-3-2.html>, accessed 17 July 2009, 1-15, at 4.

Lisa Cahill holds that using Aquinas's moral theory is useful in breaking the impasse between the historicity of reason and the universality that global ethics demands through a praxis-based interpretation of moral objectivity and reasonableness. For Aquinas, moral reason is practical reason perfected by the virtue of prudence, whose chief purpose is to attain truthful action, not speculative truth. Taking this Thomistic view of practical truth in relation to global ethics, Cahill writes that "the possibility of global ethics, then, should not be pondered in the realm of abstract or deductive reason alone, but through the engagement with practical political affairs."<sup>48</sup> One sees here a search for a global ethics that is beyond its theoretical focus, stressing its experiential and contextual focus as different cultural and religious traditions engage in moral conflict and agreement on concrete issues in a long and difficult inductive process toward a convergent ethics. Engaged in a perspectival dialogue, cultures and religions strive to arrive at common values, principles, and meaning that can be shared in a transcultural and global realm.<sup>49</sup>

### **Concluding Statement**

The new developments in understanding natural law have broken the impasse of the nature and reason debate. The discourse has gone beyond this debate. Nature should not be viewed as an object separate from reason, the body as apart from intellect. Moral norms are not derived from nature or from the functions of the body per se, but from a rational interpretation of nature and of these functions. As embodied beings, the biological roots of morality are essential for ethics, for our body constitutes our personhood. What we do to the body, we do to our person, and to the person of others. Our body provides the nexus for determining the basic human needs and the social relations and obligations that are made necessary by them.

From a Thomistic perspective, reason is not autonomous or self-legislating. It is grounded in the pre-rational natural inclinations that stem from our created nature, which are not just blind surges, but are oriented towards virtue, as experienced in our natural desire and attraction for the good. A holistic account of the natural law takes human persons in their totality, towards God as their ultimate end, and in their profound connection with the rest of creation, particularly with animals in whom some human abilities are recognizable. "Nature as nature" informs and directs "nature as reason."

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<sup>48</sup>Lisa Sowle Cahill, "Toward Global Ethics," *Theological Studies* 63, 2 (2002) 335.

<sup>49</sup>Lisa Sowle Cahill, "Toward Global Ethics," 335.

Beyond the discourse on the two strains of nature and reason, and the new developments towards a more integral and holistic approach that bridge these two strains, the feminist perspective on natural law asserts the common human nature of women and men and rejects the two-nature theory that promotes gender dualism or anthropological dualism, for such secures the dominance of one sex by the submission of another. Having a common human nature, men and women are equal, possessing the same virtues and vices, and called to the same fullness of personhood.

The fact of global pluralism poses a challenge to universal or common morality based on natural law. A universal or common morality may be a creation of a dominant group which marginalizes particular groups and invalidates differences. On the other hand, there are common features of human experience that cultures have a consonance with in spite of differences. The task is to find a creative way of striking a balance between those who claim that a common and universal morality is an illusion and those that reject that such is determined by a dominant group and which masks differences. The praxis-based perspectival dialogue that negotiates differences in the realm of experiences and practices towards a convergent ethics is proposed as a way of forging a culturally-inclusive universalism, where universal human values find legitimacy in cultures, and cultural values are grounded in inherent universal values.

At the base of the shifts in understanding natural law are the shifts in understanding our humanity, as we engage with reality in all of its complexity and its particular historicity. As we come to a better understanding of our humanity, we also come to a better understanding of what it means to be moral beings.