

NATURAL LAW AND SOCIETY: A Christian Perspective

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Abstract: This study argues that natural law is a body of laws imbedded in the order of creation, which provides rationale for the created order including human person both in a state of rationality or spirituality. Natural law lays the key frame for the understanding of the self and other non-human beings in creation. Aristotle developed the concept, but Thomas Aquinas put a garb of ethical theory on it, chiefly from a Christian outlook. Thus, the phenomenon is considered from its nature, meaning, functions and significance including extant controversies. The Catholic Church's pedagogy and ethics also form the study's scope. From methodology, the work is phenomenological, historical, and analytical as well as logically compliant with syllogism in collection and analysis of data. The research infers that natural law is useful to societal wellbeing.

Keywords: Catholic Church, Created Beings, Supreme Being, Law, Order.

1. Introduction

Today, when law is mentioned, what comes immediately to one's mind is 'state law,' the statutes enunciated and promulgated through a legislative action within a State. The common feature of this law has almost, if not completely, overshadowed any discourse on the foremost law, the natural law. Make no mistake about this and one thing is clear: Whenever a state's law is considered, answers to the question, 'What is law?' become paramount. Greek philosophers, Christian ethicists, and theologians have a variety of answers to that question about the meaning of law and natural law, respectively. The questions about the meaning, concept, essence, properties, and

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application of natural law still resonate amongst scholars from diverse disciplines and traditions.

In view of the above, the present study approaches the subject from Christian ethical outlook and focuses on those trends and issues for which natural law has become recurrent phenomenon in human and societal actions. In other words, the conversation considers its historical development and trajectory across periods and insights. In cognisance of this, the paper sets to achieve the following objectives: (a) investigate into the origin and nature of natural law, (b) present and explain natural law and cognate concepts, (c) conceptualise on the natural law theory, (d) interrogate controversies surrounding natural law, (e) investigate the Christian pedagogy on natural law ethics, (f) present the significance of natural law in society, and (g) highlight the Catholic Church's perspective on natural law.

Furthermore, the study considers natural law from its conceptual and empirical perspectives, citing actual indices and events where it reflects or applies to lived experiences of persons or events. The discussion draws from conceptual literature and links it to concrete human actions so as to achieve better understanding of the interconnectivity between laws and natural law. Given this scenario, at times, natural law is invoked where a dearth of legal framework exists to explain or justify certain ethical matters or problem in society or Church. From this ambience, it becomes obvious that the natural becomes the grand norm or the *instrumentum laboris* for all matters pertaining to morality, especially where jurisprudential efforts have failed to yield results – with a special reference to multi-cultural and multi-religious state or society.

Given the above deposition, the research rationale is from the Catholic Church's magisterial authority, that is, a deposit of theological, canonical, and ethical foundations as contained in early and contemporary bibliographic resources. In other words, the writer adopts Aquinas' theoretical framework and applies the same to the research. The study also evaluates the ensuing expositions and takes an informed position on the significance of natural law to society from Christian perspective.

2. The Natural Law: Conceptual Clarifications

Many scholars defined law but this paper would work with the definition given by Aquinas: "Law is nothing else than an ordinance of reason for the common good, promulgated by him who has care of the community" (*Summa Theologica*, I-II, q. 90, a. 4). An analysis of the definition brings to the fore some key terms, namely: 'ordinance', 'reason', 'common good', 'promulgated', and 'care of the community'. Also and within the gamut of the above citation, the *Catechism of the Catholic Church* (1951) teaches:

Law is a rule of conduct enacted by competent authority for the sake of the common good. The moral law presupposes the rational order, established among creatures for their good and to serve their final end, by the power, wisdom and goodness of the Creator. All law finds its first and ultimate truth in the eternal law. Law is declared and established by reason as a participation in the providence of the living God, Creator and Redeemer of all.

Jone defines law as "a permanent, rational norm for free activity enacted and adequately promulgated by the superior of a public community for the sake of the common welfare" (18). In all of the definitions, law requires the involvement of a leader in formulating rules which govern the affairs of men and women in the society for the common good of all and sundry. The nature of every law requires a common welfare which demands its statutes to be just, morally good, possibility of observance and necessary for meeting a common objective; whereas by promulgation, a law is necessary in order to that it may actually oblige its subjects (Jone, 18).

Besides those necessary components of law, Fagothey (109) argues, "So a law must be mandatory, reasonable, community-serving, promulgated, and authoritative. Without these characteristics, it is not a genuine law and has no binding force." Going further, he observes, "Law in this primary and strict sense directs *free* beings by imposing on their free will the restraint of obligation or duty or what ought, the type of necessity we have called *moral necessity*, which does not consist in physical compulsion, though the threat of it may be used as enforcement" (109).

Analogously, law could be applied to non-human beings to express an observed uniformity or regularity in their behaviour and in this sense, the laws of physics, chemistry, biology, and other sciences are mere formulas – laws in metaphorical sense only

(Fagothey, 109). These clarifications are *ad rem* to this work in order to clear the vagueness of semantics usually associated with the subject matter of this nature. It is not tautological to talk about 'natural law,' since, for some people, nature and law seem to be synonyms of a kind. Nonetheless, these subtle technicalities will fizzle out as the history of natural law clears these ambiguities.

A custom is "a right which has been introduced with the consent of the competent authority by the majority of the members of a public community through their frequent, public, fully deliberate and continued manner of acting" (Jones, 18). From this citation, it follows, that custom is an ancillary concept within the framework of law; in this sense, the object of the phenomenon remains specific to the concerned people of the community and its binding force is derivable from the competent authority – leaderships (traditional, religious, civic, legal, etc). Gleaned from the extant ethical logic, custom is considered from two nuances: customs in consonance with law, and customs in contrary to law, according to their manifestations in space and time as the saying goes in Nigeria, "One man's meat is another man's poison". In other words, customs are dependent upon locale though without prejudice to their appraisal from the perspectives of natural law, divine positive law, and jurisprudence.

Another related concept to the body of law is 'precept,' which is a command or a binding manifestation of the will of an authority given from the perspective of a private or public setting. For a precept issued for public jurisdiction be not a law, it is required that the command be imposed either upon individual persons only or upon the public community merely as a temporary injunction (Jones, 19).

3. Development of the Natural Law Theory

The Natural law, over the centuries, had received varied shapes and forms owing to different approaches to the phenomenon from scholars whose background had influenced their prism of perceptions. Besides the Greek's understanding of natural law as a distinct phenomenon separated from a reference to a divine law, the ability of the human being to consciously respond to the environment with its presence of inherent value makes natural law an imperative for the human society. Specifically, the natural law

theory avers that the primary principles of morals and laws and those of the society are founded on the nature of the universe, and more importantly, in the nature of human beings as rational and moral beings, and that they are universal and eternal. In following this thread of reasoning, Fagothey puts it succinctly, "What remains is to point out that all this material put together adds up to a *law*, and, since it is rooted in man's nature, to a *natural law*" (112).

Human and non-human beings in the universe are subject to a certain law as ordained by nature and this makes it possible for the sciences to study regularities of natural phenomena with remarkable constancy. Natural instincts direct all actions of living beings towards self-preservation, growth, and reproduction. It follows that all living beings adhere to the laws of their existence in order to achieve optimum value of their being – otherwise, they die for not living according to their nature's prescription.

It has to be emphasized that the same law that applies to inanimate, vegetable, and animal nature, applies to human nature. It is true that human beings are characterized by natural appetites, yet rationality and freedom add other aspects to our existence. Based on these, natural law is aimed at the attainment of the following objectives: a) it must be law, b) it must be moral law, and c) it must be a natural law (Fagothey, 113-114). Moreover, natural law maintains that only just laws are to be obeyed and unjust laws should be ignored. This rationale is based on the logic and principles of the coherence of the created ordered by God, the creator, in other words, just laws are indicative of the goodness of God's works of creation whereas unjust laws take the opposite outlook. The sense of right and wrong about reality is inherent in persons with the age of reason without prejudice to persons having or suffering from mental health condition or problems. In this understanding, it has to be noted that people with severe mental disorders, very old people, and other persons suffering from similar health conditions, labour under the impediments of performing moral actions.

In addition, the natural law envisages certain precepts such as self-determination, liberty to knowledge, liberty to social habitation, and freedom of religious action. Given its tenets, the natural law resonates with humankind, especially as a justification for certain practices as morally right or wrong, in compliance to or against nature/reason. In the same light, the concept of natural law serves as

a check to the abuse of state or religious powers in the recent past, which triggered many revolutions or uprisings. Persons could invoke natural law as a tool to achieve their various objectives within the atmosphere of societal law.

4. Controversies Regarding Natural Law

The different arguments for or against the natural law theory are based on a number of traditions or orientations; just like any human venture, the natural law theory has generated various interests amongst scholars from different leanings and traditions, either by proposition or opposition. Some schools of thoughts, animal rightists, pro-life crusaders, and pro-choice activists, especially those of the last century and even in this era, contest or hold up the certainty of natural law in arguing for the merits of their positions on the phenomenon of life (animal or human), respectively. A number of scholars based their arguments on certain categories, of which, this study presents as follows: that natural law has been overtaken by events since the experimental method of science has triumphed over the so-called laws. In addition, philosophy sees nature as always in a state of flux; in nature, nothing remains static including the inherent laws. Reasoning has it that "There is not as much uniformity in human behaviour as natural law theorists assume. It is not the man who conforms who is the best example of the human race, but the one who has courage to break out of the narrow circle of conformity and to initiate new ways" (Fagothey, 114).

The physiological nature of the human person does not coerce any action or thought; the observable regularity in human behaviour is not in concert with human interiority. According to this logic: "to see man as also governed by nature is a mere figurative expression personifying nature as a lawgiver and represents no real government or real law" (Fagothey, 114). Also, other academics like Aquinas argue that human beings rarely take responsibility on their own let alone accepting one from nature. That is why even those who recognize natural law fail to accept its contents.

Additionally, scholars like Aquinas and Augustine, built their natural law theories on God even though not everybody subscribes to theistic philosophy. Those who cling to a direct governance of human beings by God need to have something by which God manifests to human beings the divine commandments. If such

manifestations are deficient, then, God's will need not to be written in human nature. Besides, natural law has been seen as a recurrent act used by some authorities to impose their wills on their subjects. Above and beyond, some use the notion in either excusing or justifying their actions – depending on the severity of the event or occasion. Further argued, some describe legalism, casuistry, hypocrisy, and externalism as some of the occupational hazards of natural law theory (Jones, 20-21). Human beings tend to follow the letter rather than the spirit when the law favours them, since human nature, many appeal to natural law as a cover-up for mistakes or inefficiencies. In driving this to a practical reality, instances abound of some people who justified their actions in the past in matters relating to slavery, apartheid or even ethnic profiling as norms whereas in ethics and morals, such were/are evil and wrong acts.

The renewed interest in the natural law is not far removed from postmodernity with its attendant ancillaries in the learning process and application to lived experiences of the people in a religiously and culturally plural society. Roger T. Simonds argues that natural law in itself is not problematic; the problem arises from "[...] certain logical confusions that plague the issue on both sides. Sometimes the defenders of natural law seem as vague about what to defend as their opponents are vague about what to attack. Hence, the arguments are often inappropriate to the main issue" (132). The key problem is whether there exists a normative natural law or not.

The problem of absolute verification with regard to norms or jurisprudence holds against the natural law theory. A major argument here questions the verifiability of inherent assumptions deposited in natural law. The natural law does not meet empirical verification process and thus should be discarded. On the contrary, the same position is equally contested by pro-Natural law group, arguing that descriptive laws such as those of mathematical sciences also are metaphysical in nature. If the assumptions in natural law fail to be proved empirically, so also the same problem arises in the physical sciences, especially in certain propositions which cannot be verified absolutely. It is obvious that the current stand, though controversial, fails to meet a generally accepted resolution among scholars except those in the physical disciplines.

Another area of contention between proponents of natural law and their challengers is the relationship between 'obligation' and 'right;' in this aspect, Simonds affirms:

The naturalists contend that there are certain normative propositions in jurisprudence which are, at the same time, statements of natural 'fact'. The usual objection to this is that no proposition can be both normative and factual, or prescriptive and descriptive. To this objection, presented as though it were a self-evident axiom of logic, is to be found in virtually all anti-naturalistic arguments (133).

Even at that, major anti-naturalist schools, see it as a fallacious argument, and the controversy appears unbeatable partly or ultimately owing to epistemological limitedness of human reason. Unfortunately, naturalists or their sympathizers seem feeble in furtherance of their arguments for natural law and its significance in public space. The restriction identifies 'norms' as laws of logic and 'facts' as laws of nature – hence, norms are a subclass of facts. In the same way, one argues that the logical and mathematical norms are a subclass of the natural norms. What is being contented here, is that the traditional 'norm-fact distinction' cannot arise, since it would make the two classes mutually exclusive. As gleaned from the foregoing deposition, a 'normative element' is obviously present in all theories, to the extent that they are logically ordered or systematic (Simonds, 138). What is being argued here is the relationship between 'obligation' and 'right' in matters concerning 'normative' in natural law, and 'velocity' in the physical sciences.

5. The Natural Law and the Christian Ethics

In the Christian ethics, the natural law is how humans manifest the divine image in their thoughts and actions. It means that Christians believe that their acts should reflect God's image in all their dealings in the world. This understanding is anchored on the ethical position that human being "participates in the wisdom and goodness of the Creator who gives him mastery over his acts and the ability to govern himself with a view to the true and the good. The natural law expresses the original moral sense which enables man to discern by reason the good and the evil, the truth and the lie" (*The Catechism of the Catholic Church*, 1954). This is informed by the insights gained from the ethical teaching of Pope Leo XIII, in his work, *Libertas*

Praestantissimum where he urges all Christians as well as non-Christians to uphold natural law, given its merits to entire human endeavours. In this aspect, he teaches:

The natural law is written and engraved in the soul of each and every man, because it is human reason ordaining him to do good and forbidden him to sin.... But this command of human reason would not have the force of law if it were not the voice and interpreter of a higher reason to which our spirit and our freedom must be submitted (597).

Reading the thought of Leo XIII implies that natural law shows men and women in the society the way to follow in order to meet the divine mandate and thus arrive at the designated goals in life. Within this and in this context, natural law spells out the primary and substantial precepts which govern moral life. The position of the Catholic Church remains that natural law "hinges upon the desire for God and submission to him, who is the source and judge of all that is good, as well as upon the sense that the other is one's equal. Its principal precepts are expressed in the Decalogue. This law is called 'natural', not in reference to the nature of irrational beings, but because reason which decrees it properly belongs to human nature" (*The Catechism of the Catholic Church*, 1955).

Saint Augustine, echoes the kernel of natural law's significance though in a rhetorical fashion, "Where then are these rules written, if not in the book of that light we call the truth? In it is written every just law; from it the law passes into the heart of it, like a seal on a ring that passes onto wax, without leaving the ring" (*De Trinitate*, 14, 15, 21: PI 42, 1052). What Saint Augustine points to in his observation, is that, every man and woman experiences the natural law in their hearts through the use of reason, and that the use of reason, commands universality by its precepts and authority. According to Aquinas, "The natural law is nothing other than the light of understanding placed in us by God; through it we know what we must do and what we must avoid. God has given this light or law at the creation" (*Summa Theologica*, I-II, 90, 1). The natural law, so understood, expresses the dignity of every person and validates the basis for his/her rights and duties within the setting of divine illumination.

The natural law, based on the Christian ethics, envisages its practical application to human situations in societies or communities.

Owing to different lifestyles and traditions in the world of today, so does the application of the natural law. The phenomenon requires self-reflection that understands variations that occur in conditions of life as manifested in multi-cultural and multi-religious places of abode or business. Again, the natural law enthrones the grand norm as a requisite for all human endeavours and aspirations. Whatever desire or dream one has in life, given its form or nature, such dreams of expectations ought to be cascaded within the gamut of the natural law so as to validate or invalidate their intents or purposes; given this, no one ever dreams of or aspires to any ideals or heights in life without making recourse to precepts, protocols or categories as encapsulated in the natural law.

For Peschke, "God is the creator of the world. From eternity he sees all possible worlds in which his infinite perfection can be reflected" (118). It suffices to state that natural law forms part of the divine plans and decrees and as coded in natural phenomena of the created order. Thus understood, the natural law reflects the well-defined plan for the world, and above all, for human beings: "In regard to proof from reason, the conviction that God rules the evolution of creation and no less course of human history according to divine plans and decrees essentially springs from the thought that God as supremely wise cannot act without a plan" (Peschke, 119). In bringing together the merits of this deposition, the natural law is well grounded in Christian ethics and morals. The same phenomenon is also appealed and argued from the order of human and/or non-human beings. At this instance and like in other instances, every being (rational or irrational) owes its beingness to the Supreme Good; likewise, every being acts in accordance with its being. Human actions find their sources and/or logic in the very essence of the beingness without prejudice to limitations or imperfections. Consequently, natural law is oriented towards the well-being of the human person: "In all beings the activity is conditioned and determined by being, that is, by the proper nature of a thing and its relation to the world about it. In non-rational beings this determination is of compulsive character. Nature is for them a necessitating norm" (Peschke, 121).

According to *The Catechism of the Catholic Church*,

The natural law is immutable and permanent throughout the variation of history; it subsists under the flux of ideas and

customs and supports their progress. The rules that express it remain substantially valid. Even when it is rejected in its very principles, it cannot be destroyed or removed from the heart of man. It always rises again in the life of individuals (1958).

The natural law precepts are not perceived, however, by every member of the human race owing to the degrees of clarity of thought and action with respect to the occasions of sin or imperfection. "In the present situation sinful man needs grace and revelation so moral and religious truths may be known 'by everyone with facility, with firm certainty and with no admixture of error.' The natural law provides revealed law and grace with a foundation prepared by God and in accordance with the work of the Spirit" (*The Catechism of the Catholic Church*, 1960). Contextually and similarly, the natural law falls within such fundamental matters as conscience where "everyone should follow the dictates of his/her conscience and at the same time submit in obedience to it" (Onyiloha, 786).

6. Emergent Issues/Questions

Generally, the natural law elicits interests amongst Christian scholars and writers, but without prejudice to differences of opinions on one hand, and even disputes between proponents and opponents of the transcendental method in the definition of mankind and its implications for the natural law, on the other hand. There seems to be a continuous clash of thoughts between those who argue that the natural law could be known only through faith or grace and those who assert that one comes to know moral obligation (in this case, the natural law) through the dictates of reason. This, no doubt, becomes problematic as for the range of views among contemporary Christian ethicists, theologians and philosophers about the natural law and the appropriate method to be followed in knowing it. The very cognisance of this issue or the question of the determination of the methodology with respect to the natural law, creates a flood gate for speculations as well as outright denial of the extant subject matter both in concept and praxis. In this context, different contemporary Christian writers who influenced or sustain the situation abound; perhaps and specifically, other Catholic thinkers like Max Scheler and Dietrich von Hildebrand, are promoters who "ground moral obligations on human relationships or on objective values, especially the value of the person" (Boyle, 446).

The above notwithstanding, the natural law faces the issue of historicity and transcendental character of the world. This creates a tension between different schools of thoughts – with each trying to justify its stand on whether the natural law is dependent upon the physical or the transcendental nature of the world. Even at that disparity, two contending positions emerged: Many contemporary theologians insist that the natural law and the law of Christ ought not to be envisioned as two juxtaposed fields, but as two points of a continuum on which faith is the ultimate and all-encompassing degree. Other theologians see the relationship as one of a sublation, with nature being taken up by the conditioned (Demmer, 191-213; Schüller, 481-503).

The natural law, though understood as a reflection of the divine illumination, some Christian writers agreed with Suarez and the likes that the ‘law of Christ’ adds no new material norms to the natural law (*The Catechism of the Catholic Church*, 1967). What is specific to Christian ethics must therefore lie at another level. Thus analyzed, the natural law should not be literally understood as something which the Church knows by reason alone. Natural law remains the product of extended theological reflection.

7. Conclusion

From the analysis of this research, the natural law stems from the very nature of humans who are the most rational and spiritual beings, terrestrially domiciled. The human nature has some inherent rules peculiar only to them, which existed since the human civilization. Relying on diverse orientations, different peoples and institutions have perceived natural law from their perspectives and prisms. From the Greek philosophers to the scholastic theologians, the natural law has remained a topical issue in an interdisciplinary setting. No doubts, wide-ranging arguments for or against the natural law theory abound; however, the phenomenon remains a recurrent index in human actions and thought. God has been shown as the basis for the existence of the natural law. However, some have pointed at the natural law as the cause of legalism, casuistry, selfishness, and arbitrary legal systems in the world. Worst still, some accuse bad leaders of using natural law for lording it on their subjects in the state or in religious space.

This study, from the foregoing, has taken a middle course: that the natural law is essential to formulation of laws needed for ordering a just human society. The law, in this sense, ought to aim at building up the very best of human qualities for a better world. However, all attempts to use natural law in seeking selfish objectives by leaders (civil or religious) should be jettisoned. Some controversial issues that border on the interpretation of the natural law ought to be opened to the public space for a robust debate, discourse and even to elicit interests for further studies. By so doing, the natural law theory continues to appeal to the present and future generation of scholars or learners irrespective of their orientations or ideological settings. As already argued and demonstrated in this study, the researcher notes that the discourse or even conversation on the natural law remains an open subject matter that has neither been exhausted nor its nitty-gritty issues resolved.

The natural law has generated a plethora of interest and it has also cut across demographical and scholarly circles just like any other ethical issues. If the number of expositions on the natural law from the Christian ethical perspective were noted and applied to lived experiences in societal walks of life, a glimmer of light beckons on the supposed ignorance or arrogance of knowledge on the part of the citizenry, especially in the ethical evaluations of making fundamental choices: good/evil intention, right/wrong act, among other underlying factors that shape human relationships in the world. The natural law is not as simple as it looks or approached from different strands or orientations across human civilizations.

References:

- Aquinas, Thomas. *The Complete Works of Saint Thomas Aquinas*. New York: Orbis Books, 2000.
- Boyle, J. "The Natural Law and the Magisterium." *Readings in Moral Theology*, No. 3. Eds. C. E. Curran & R. A. McCormick. New York, USA: Paulist Press, 1982.
- Catechism of the Catholic Church. London: Catholic Truth Society, 2005.
- Demmer, K. "Kirchliches Lehramt und Naturrecht." TGI 59. 1969. 191-213.

- Fagothey, A. *Right and Reason: Ethics in Theory and Practice Based on the Teachings of Aristotle and St. Thomas Aquinas (Second Edition)*. USA: Tan Books, 2010.
- Onyiloha, C. A. "Freedom of Conscience and Its Limitations: A Christian Perspective." *Asian Horizons: Dharmaram Journal of Theology*, Vol. 10, No. 4. (2016): 782-794.
- Peschke, K. H. *Christian Ethics: Moral Theology in the Light of Vatican II*. India: Paulines, 1997.
- Pope Leo XIII. *Libertas Praestantissimum. Acta Apostolis Sedes*. June 30, 1888 AAS 20 (1887/88) as cited in *The Catechism of the Catholic Church*, Revised Edition, 2002: 1951.
- Schüller, B. "La theologie morale peut-elle se passer du droit naturel?" NRT. (1966). 1966. 475.
- Simonds, R. T. "Natural Law Controversy: Three Basic Logical Issues." Notre: 1960. Accessed: July 24, 2020 (<http://scholarship.law.nd.edu>).
- Vatican II Documents*, New York: Paulist Books, 1976.