

## Component 3: Religion and Ethics



### Theme 2: Deontological Ethics



#### Booklet 1 a, b, c and AO2

#### Knowledge and understanding of religion and belief

<p><b>A</b></p>	<p><b>St Thomas Aquinas' Natural Law - laws and precepts as the basis of morality:</b>                  Aquinas' four levels of law (eternal, divine, natural and human); Natural Law derived from rational thought; based on a belief in a divine creator (the highest good as being the rational understanding of God's final purpose). Natural Law as a form of moral absolutism and a theory which has both deontological and teleological aspects. The five primary precepts (preservation of life, ordered society, worship of God, education and reproduction of the human species) as derived from rational thought and based on the premise of 'doing good and avoiding evil'; the secondary precepts which derive from the primary precepts; the importance of keeping the precepts in order to establish a right relationship with God and gain eternal life with God in heaven.</p>	
<p><b>B</b></p> <p>faith love hope</p>	<p><b>Aquinas' Natural Law - the role of virtues and goods in supporting moral behaviour:</b>                  The need for humans to be more God-like by developing the three revealed virtues (faith, hope and charity) and four cardinal virtues (fortitude, temperance, prudence and justice). Aquinas' definition of different types of acts and goods: internal acts (the intention of the moral agent when carrying out an action) and external acts (the actions of a moral agent); real goods (correctly reasoned goods that help the moral agent achieve their telos) and apparent goods (wrongly reasoned goods that don't help the moral agent achieve their God given purpose).</p>	
<p><b>C</b></p>	<p><b>Aquinas' Natural Law - application of the theory:</b>                  The application of Aquinas' Natural Law to both of the issues listed below:                  1. abortion                  2. voluntary euthanasia</p>	

#### A02

**Issues for analysis and evaluation will be drawn from any aspect of the content above, such as:**

- The degree to which human law should be influenced by Aquinas' Natural Law.
- The extent to which the absolutist and/or deontological nature of Aquinas' Natural Law works in contemporary society.
- The strengths and weaknesses of Aquinas' Natural Law.
- A consideration of whether Aquinas' Natural Law promotes injustice.
- The effectiveness of Aquinas' Natural Law in dealing with ethical issues.
- The extent to which Aquinas' Natural Law is meaningless without a belief in a creator God



## 4 A. St Thomas Aquinas' Natural Law - laws and precepts as the basis of morality:

*Aquinas' four levels of law (eternal, divine, natural and human); Natural Law derived from rational thought; based on a belief in a divine creator (the highest good as being the rational understanding of God's final purpose). Natural Law as a form of moral absolutism and a theory which has both deontological and teleological aspects.* The five primary precepts (preservation of life, ordered society, worship of God, education and reproduction of the human species) as derived from rational thought and based on the premise of 'doing good and avoiding evil'; the secondary precepts which derive from the primary precepts; the importance of keeping the precepts in order to establish a right relationship with God and gain eternal life with God in heaven.

### Philosophical background and context:

#### Deontological and absolute theory (duty/fixed laws)

In deontological theories there is a relationship between duty and the morality of human actions. Therefore **deontological** ethical theories are concerned with the acts themselves irrespective of the consequences of those acts. E.g. a deontologist might argue that murder was wrong whatever the situation or consequence and therefore euthanasia was morally wrong. **Teleological** theories focus on the teleo or end result of an action. Natural Law has teleological aspects as it focuses on the telos of humanity which is to re-establish a right relationship with God.

**Absolutists** believe that there is a standard of right and wrong that is fully and totally binding on all human beings. The religious may feel that this absolute standard comes from God. Those who are not religious may believe that the standard simply exists.

"This is wrong for me and for you and for everyone."

**The 'Natural Law' theory** originated in Aristotle's idea that everything has a purpose, revealed in its design, and that its supreme 'good' is to be sought in fulfilling that purpose.

There are two things you need to know about Natural Law; first it isn't just what is natural and second it isn't just laws.

- Natural Law is NOT simply about what nature does (it is not 'natural' in the sense of being observed in nature). Rather, it is based on nature as interpreted by human reason.
- Natural Law does not necessarily give you straightforward and inflexible answers to every situation. It involves a measure of interpretation and can be applied in a flexible way. It does not simply present a fixed 'law' dictated by nature. Therefore it can be seen to have deontological and teleological aspects.

## 1. Aristotle - 'good', goal, 'mean', humankind, reasoning, happy, think

Aristotle argued that everything has a purpose or \_\_\_\_\_ to which it aimed. Once you know what something is for, you know how it should behave and what its final 'good' is. A knife is designed for cutting; if it does that well, it is a \_\_\_\_\_ knife.

His idea of purpose leads into his idea of what is 'good'. In the opening of his *Nicomachean Ethics*, he says:

'Every craft and every investigation, and likewise every action and decision, seems to aim at some good; hence the good has been well described as that at which everything aims.'

The good for humans is eudaimonia, which is often translated as 'happiness', but it means rather more than that. It includes the idea of living well and of doing well. Aristotle argued that people might do other things in order to be \_\_\_\_\_, but that it would make no sense to try to be happy in order to achieve something else! Thus happiness is the basic good, making everything else worthwhile '... we regard something as self-sufficient when by itself it makes a life choice worthy and lacking nothing: and that is what we think happiness does'.

Aristotle was also concerned to show that living the good life was not an individual thing, but that it involved living at one with others in society. So a person can enjoy the good life by fulfilling his or her essential nature, and doing it with society.

Happiness is therefore the final goal for \_\_\_\_\_ and it is to be chosen for itself, and not as a means to some other end. It is what Aristotle sees as making life worthwhile.

Aristotle held that the key feature of humankind was its ability to \_\_\_\_\_. But, for Aristotle, reason was not just the ability to think logical thoughts, but of living the good life, in line with the precepts of reason.

Morality was concerned with the application of thought and prudence to achieve a chosen end. Aristotle regards intellectual \_\_\_\_\_ as the highest of all human activities, for man is essentially a 'thinking animal'. That is why he sees morality as based on reason, not an emotion or in the hope of getting some reward or avoiding punishment.

Aristotle's ideal is the 'great souled' man, who is rational, balanced, good company among equals and independent. In other words he is worldly, but with his appetites and emotions well controlled by reason.

Hence the starting point for Aristotle's ethics is the working out through reason of one's essential nature and goal, and of acting accordingly. He also propounded the idea of a \_\_\_\_\_ as a balance between two powerful characteristics. Therefore it is good to be brave and self-assertive rather than too rash and pugnacious on the one hand, or too timid and self-effacing on the other.

- Aristotle: all things have a **purpose (final cause)**. Purpose helps us define action. Two types of justice; conventional and natural.
- Stoics; Cicero. '**True law is right reason in agreement with nature.**'

2.

a. What are the two things you need to know about Natural Moral Law?

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b. Explain Aristotle's idea about what is good for humans, include the words; eudaimonia, happiness, society and goal.

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c. Explain the importance of reason to Aristotle. *It is the* \_\_\_\_\_

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d. What is the 'mean'? Think of the opposite extremes of the mean characteristic listed below;

\_\_\_\_\_ Brave \_\_\_\_\_



## Aquinas' idea that the highest good is the rational understanding and following of God's final purpose

There is divine reason, which is the reason gained through the revelation of the Bible, and there is human reason ((St. Paul –'*...it is written in their hearts.....*'). Aquinas believed that a moral life was a life that was lived according to and in accordance with reason. Therefore, an immoral life was a life lived at odds with the reason of both. Following reason should mean humans do good and avoid evil. *'To disparage the dictate of reason is equivalent to condemning the command of God'*.

Aquinas believed that reason determines the ultimate purpose and destiny of human life is fellowship with God. (Aquinas means, not just at the end of life, but during life too). He believed that because we are created by God, we have natural tendencies towards this purpose and we should live according to this design. Aquinas believed the **Primary Precepts** are right for everyone and known by everyone. (Perhaps many Christians see their Christian duty is to awaken people to this point made by Aquinas).

### 3. Reason is:

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## Aquinas identified four kinds of law

### 4. Make a spider diagram which represents the four laws through symbols and images.

Include examples that you can think of 'human law' and 'eternal law'

Where possible, connect with Aristotle's ideas about natural law.

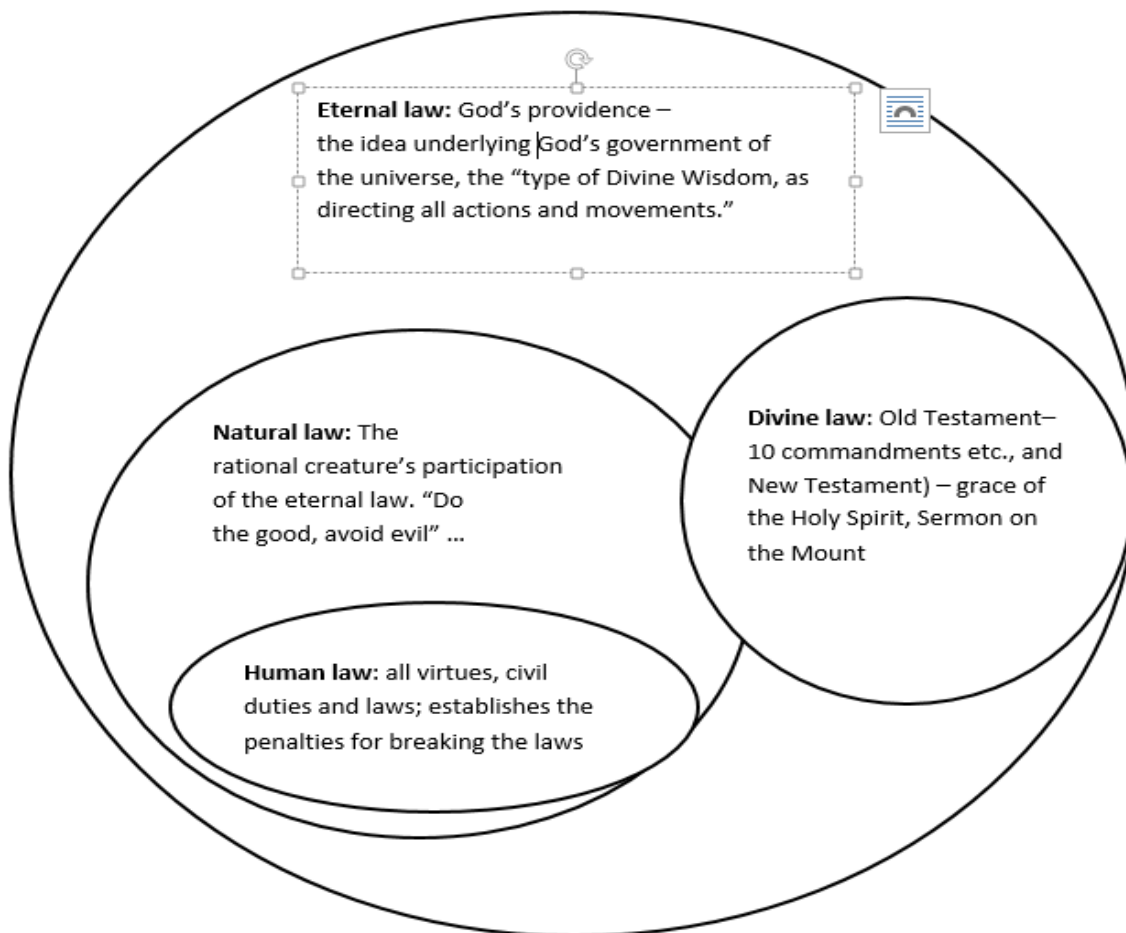
- **Eternal law**, God's will and wisdom. God governs the universe through physical laws, moral laws and revealed religious laws. Eternal law includes all of the other laws.
- **Divine law**, given in scripture and through the church. In the Bible, God reveals a special law to guide humans to our goal of perfection and supernatural end of eternal happiness with Him. The **divine law** refers to Special Revelation -- the will of God as revealed in the Scriptures of the Old and New Testaments. This law was necessary for four reasons: (1) humans need explicit divine guidance on how to perform proper acts; (2) uncertainty of human judgment needs a check; (3) humans need divine insight on issues on which they are not competent to judge; and (4) it proves that God will punish some deeds that even go beyond the ability of human law to punish. Furthermore, only divine law, not human law can adequately control and direct interior acts (thoughts and desires). Aquinas believed that perfection was not achievable in this life, but only after death.
- **Natural law** (the innate human ability to know what is naturally right). This is part of the eternal law that applies to human choices in identifying the primary precepts and can be known by our natural reason.

Aquinas stated "It is evident that all things partake somewhat of the eternal law, in so far as, namely, from its being imprinted on them... Wherefore it (human nature) has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this

participation of the eternal law in the rational creature is called the natural law." This means that natural law is that which humans understand of eternal law.

- **Human law** (civil law). Humans create our own laws, in order to apply the natural law to the specific circumstances of our society. Human law is exercised through the state and government and is seen to be an extension of natural and divine law. Paul writes in Romans 13:1 *'Let every person be subject to the governing authorities. For there is no authority except from God and those that exist have been instituted by God.'* Aquinas did recognise this level of law could sometimes involve wrong reasoning and lead to injustice, arguing, *'if in any point it deflects from the law of nature, it is no longer a law but a perversion of law'*.

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



8. Add key terms from Aquinas' Natural Law theory to your flash cards, apps or notes – include the different levels of law etc.

Extra - Start a mind map on Aquinas' Natural Law. What can you add so far?

## **The five primary precepts, which are developed in the secondary precepts, created in order to establish a right relationship with God**

The principle of natural law depends on establishing the **primary precepts** of human life. The primary precepts apply to all human beings without exception. Aquinas maintained that it is to **live, reproduce, learn, worship God and order society**. All things must operate in accordance with these principles to which humanity is naturally inclined. For example, the first instinct of humanity is self-preservation; without this, we would not exist to fulfil the other functions. All other purposes advance a life in accordance with natural law as designed by God. For this reason, natural law proponents observe that most societies have forbidden murder, including the ancient code of the Decalogue (Ten Commandments). The most important precept that underpins them all is 'act in such a way as to achieve good and avoid evil'.

**Secondary precepts** are rules which direct people towards actions which uphold these primary purposes and away from actions which undermine them. Natural moral law identifies two subordinate principles:

1. The dictates of reason which flow logically from the primary principle and are therefore self-evident, for example to worship God, respect your parents, not murder. These dictates must be observed by all humans under all circumstances if moral order is to be maintained.
2. Those dictates which are reached through a more complex process of reasoning. These dictates are supported by human and divine law, since reason alone cannot deduce them from nature. They contribute to public and private good but may be omitted under certain conditions. For example, monogamy is good for social order, but polygamy is not incompatible with it in some societies.

Aquinas maintained that all individuals also have a purpose specific to themselves that fulfil the skills and **talents** given to them by God. While the goal of a relationship with God is open to all, other goals are only open to some. This is potentially controversial, since if some individuals are more naturally endowed with talents than others, does this suggest that God has been fair and equitable in his distribution of them? Do some people have no special talents? The parable of the talents in Luke 19:11-27 is overlaid with a multitude of meanings, but one may conceivably be about God-given skills and abilities and how he expects them to be utilised (see page 10).

Secondary precepts have to be interpreted in the context of the situation and there is some flexibility in extreme cases.



**Remember**  
**WORLD**

**9. Complete the table**

<b>Primary precepts</b>	<b>Secondary precepts</b>
To worship <b>God</b>	
To live in an <b>ordered society</b>	Do not steal
To <b>reproduce</b>	Do not use contraception
To learn / <b>educate</b> children	
To <b>defend the innocent</b>	Euthanasia is wrong

10. Can you think of a situation where it might be acceptable to break the secondary precept 'Do not steal'?

11. What can you infer about this parable and human purpose?

11 While the people were listening to these things, Jesus proceeded to tell a parable, because he was near to Jerusalem, and because they thought that the kingdom of God was going to appear immediately. 12 Therefore he said, "A nobleman went to a distant country to receive for himself a kingdom and then return. 13 And he summoned ten of his slaves, gave them ten minas, and said to them, 'Do business with these until I come back.' 14 But his citizens hated him and sent a delegation after him, saying, 'We do not want this man to be king over us!' 15 When he returned after receiving the kingdom, he summoned these slaves to whom he had given the money. He wanted to know how much they had earned by trading. 16 So the first one came before him and said, 'Sir, your mina has made ten minas more.' 17 And the king said to him, 'Well done, good slave! Because you have been faithful in a very small matter, you will have authority over ten cities.' 18 Then the second one came and said, 'Sir, your mina has made five minas.' 19 So the king said to him, 'And you are to be over five cities.' 20 Then another slave came and said, 'Sir, here is your mina that I put away for safekeeping in a piece of cloth. 21 For I was afraid of you, because you are a severe man. You withdraw what you did not deposit and reap what you did not sow.' 22 The king said to him, 'I will judge you by your own words, you wicked slave! So you knew, did you, that I was a severe man, withdrawing what I didn't deposit and reaping what I didn't sow? 23 Why then didn't you put my money in the bank, so that when I returned I could have collected it with interest?' 24 And he said to his attendants, 'Take the mina from him, and give it to the one who has ten.' 25 But they said to him, 'Sir, he has ten minas already!' 26 'I tell you that everyone who has will be given more, but from the one who does not have, even what he has will be taken away. 27 But as for these enemies of mine who did not want me to be their king, bring them here and slaughter them in front of me!'" Luke 29

## Natural law Literacy Skills task

### 12. Read this answer

- Highlight key terms in one colour
- Highlight any links to Natural Law in another colour

### Outline Aquinas' primary precepts and explain how these link to Natural Law

Aquinas believed that there were five main **purposes** to human life. He named these the primary precepts and ordered that we must abide by them to follow Natural Law and be good ethical people. Whereas Aristotle thought there was one main purpose in human life, to promote 'happiness' in all our actions, Aquinas believed there were five purposes given to us by God; to live, to learn, to order society, to reproduce and to worship God. Aquinas believed that these five purposes have been revealed to us through the four channels of law. Therefore, if we turn to scripture or we use our reason, these purposes will become evident.

To live was very important to Aquinas. He believed that everyone had a right to life. In this sense, anyone who murders and prevents someone from fulfilling their purpose of 'living' is not pleasing to God and is a sinner. This has been most commonly used as a Catholic argument against abortion because even a foetus, they believe, has a right to live.

Secondly, Aquinas thought that learning was a main purpose in human life. He believed that everyone should learn as much as they can. Learning requires reason and as humans we are blessed with reason, unlike plants and animals. In this sense, Aquinas believed you are pleasing to God if you learn from others or learn for yourself. An example of this is Aquinas' belief that sinners can repent and learn from their mistakes in order to change their lives. Again this idea of learning from our mistakes manifests itself in Confession in the Catholic Church.

Thirdly, Aquinas thought it was necessary to live in an ordered society. He thought that an ordered society was a reasoned society. Therefore, we should not go against social order or social rules and if we do we are not pleasing to God. Aquinas would therefore believe that the police and governments are important to help us fulfil our potential as human beings.

Fourthly, reproduction was seen as a fundamental purpose for all human beings. Aquinas believed that in order to continue the human race which has been created by God we must continue to reproduce. This is why homosexual acts are immoral in his eyes because they cannot lead to the birth of a child.

The final primary precept is to worship God. Aquinas believed that anyone who has had access to the Bible should of course follow it and worship God as ordered in the Old and New Testament. For those who do not have access to the scripture, Aquinas would argue that when they use their reason they should know that it is right to worship God. All humans, Aquinas argued, should know to follow the five primary precepts. If they do, they will be pleasing to God and will be granted an afterlife.



Evaluate this answer - Three stars and a wish



## 4 B. Aquinas' Natural Law - the role of virtues and goods in supporting moral behaviour:

The need for humans to be more God-like by developing the three revealed virtues (faith, hope and charity) and four cardinal virtues (fortitude, temperance, prudence and justice).

Aquinas' definition of different types of acts and goods: internal acts (the intention of the moral agent when carrying out an action) and external acts (the actions of a moral agent); real goods (correctly reasoned goods that help the moral agent achieve their telos) and apparent goods (wrongly reasoned goods that don't help the moral agent achieve their God given purpose).

### Three revealed virtues/theological and four cardinal virtues

To assist in the development of reason and the correct application of reason Aquinas looks to the work of Aristotle. Aquinas claimed that reason identifies two types of virtues, revealed and cardinal.

#### Revealed/ theological Virtues

##### - Extract from St Paul's letter - 1 Corinthians 13 New International Version (NIV)

*'13 If I speak in the tongues<sup>[a]</sup> of men or of angels, but do not have love, I am only a resounding gong or a clanging cymbal. <sup>2</sup> If I have the gift of prophecy and can fathom all mysteries and all knowledge, and if I have a faith that can move mountains, but do not have love, I am nothing. <sup>3</sup> If I give all I possess to the poor and give over my body to hardship that I may boast,<sup>[b]</sup> but do not have love, I gain nothing.*

*<sup>4</sup> Love is patient, love is kind. It does not envy, it does not boast, it is not proud. <sup>5</sup> It does not dishonour others, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. <sup>6</sup> Love does not delight in evil but rejoices with the truth. <sup>7</sup> It always protects, always trusts, always hopes, always perseveres.*

*<sup>8</sup> Love never fails. But where there are prophecies, they will cease; where there are tongues, they will be stilled; where there is knowledge, it will pass away. <sup>9</sup> For we know in part and we prophesy in part, <sup>10</sup> but when completeness comes, what is in part disappears. <sup>11</sup> When I was a child, I talked like a child, I thought like a child, I reasoned like a child. When I became a man, I put the ways of childhood behind me. <sup>12</sup> For now we see only a reflection as in a mirror; then we shall see face to face. Now I know in part; then I shall know fully, even as I am fully known.*

*<sup>13</sup> And now these three remain: faith, hope and love. But the greatest of these is love.'*

For Aquinas these are the superlative virtues that define and direct all other virtues. As they are the absolute and superlative they are perfect. However, they are aspirational in that they cannot be fully achieved in this world, being far above the capacity of a human being, but should be a standard that is aimed at. It is with God's grace through these virtues that enables a human being to strive towards perfection. Of course, the final and absolute end is supernatural union with God. This state of perfect happiness, towards which the superlative virtues guide human beings, is known as the beatific vision. As Aquinas writes, human beings 'attain their last end by knowing and loving God.'

In order, faith is more than just an intellectual acknowledgement of assent to the divine. Faith is an action of will for Aquinas: it is 'an act of intellect which assents to the divine truth at the command of the will, moved by God's grace'. Faith involves the whole person and reflects a total outpouring and deference to the divine as an action assertion.

Secondly, hope is the constant and consistent trust in achieving the beatific vision. This is like an inspired positive state of being, a spiritual energy that drives a person in pursuit of final end. It is a pure form of desire focused on the highest aim alone. It is an underlying virtue that supports the active participation in other non-theological, moral virtue.

Finally, the greatest of them all is love (charity). Love for God is reflected in the love for one's neighbour and is the real key to Aquinas' view of morality. Love is the one virtue that actively directs all other virtues towards God. As reflected in 1 Corinthians 13, without love, all other virtues are 'nothing', meaningless and empty. Love also has the healing property that restores our 'fallen' nature.

### **Cardinal Virtues –**

As well as the superlative revealed virtues, Aquinas identified some natural virtues. He argued that one way correct reasoning can be developed is through the cultivation of specific natural virtues and he identified four virtues as the most important of these. These are known as the 'cardinal virtues'.

For Aquinas these were the main framework for moral behaviour that helped human beings become more God-like in their application.

Prudence involves being able to make sound judgements in reasoning. It is the application of 'wisdom concerning human affairs', that is, 'right reason with respect to action'. Prudence involves being aware of both the moral principles established through Natural Law but also the specific situation wherein such principles need to be applied. In effect, prudence is the basis of casuistic endeavour.

In other words, prudence is the capacity and competency of rational evaluation of circumstances, in order to establish direct true and good courses of action. It does this in three steps: counsel, which is a consideration of possible courses of action; judgement, which decides upon the correct course of action; and, command, which is the application of the judgement. This is the art of casuistry.

Aquinas relates prudence to other virtues that depend upon it such as memory, intelligence, docility, shrewdness, reason, foresight, circumspection, and caution.

Temperance is all about moderation and we can see here the idea of Aristotle's doctrine of the Golden Mean. It involves sobriety and restraint. Temperance has the ability to purify and refine physical pleasures. He writes, 'sensible and bodily goods...are not in opposition to reason, but are subject to it as instruments which reason employs in order to attain its proper end.'

Part of temperance is also the virtue of humility, of knowing how to present oneself in the correct and balanced manner. Meekness, generosity and studiousness and also part of temperance as they restrain such vices as anger and vanity.

The virtue of courage, sometimes referred to as fortitude, incorporates discipline, patience, endurance and perseverance in the face of difficult circumstances, whether physical, moral or spiritual. A courageous person will not be beaten or broken by stress and sorrow. Courage also encourages nobility of character and one that is not controlled by fear on one hand, yet on the other hand not subject to reckless, irresponsible or rash behaviour.

The final cardinal virtue is justice. It is interesting to note that whilst the first three are to do with individual qualities, the last cardinal virtue has a specific focus on the others, that is, our actions towards them. It is less to do with our own character but more to do with how our actions are governed. Justice covers the law, both general as regards community welfare and also individual cases. It also involves the specific way in which matters are administered, both in terms of goods and responsibilities which,



according to Aquinas, 'are (fairly) apportioned among people who stand in a social community' and in 'due proportion'.

It is interesting to note that Aquinas' idea of justice does not mean equality for all, but recognises individual needs, relative to circumstances and needs. For example, someone in poverty requires more assistance from justice than a wealthy person.

### **13. Add definitions**

**Three revealed virtues (can you explain why they are called revealed?)**

- **Faith**
  
- **Hope**
  
- **Love/ Charity (derived from the Greek agape)**

**Four cardinal virtues (can you explain what is meant by cardinal in this context?)**

- **Courage/ Fortitude**
  
  
  
  
  
  
  
  
  
  
- **Prudence**
  
  
  
  
  
  
  
  
  
  
- **Justice**
  
  
  
  
  
  
  
  
  
  
- **Temperance**

Aquinas states that these virtues need to be developed through correct cultivation. The virtues must become habitual. Aquinas warned that practice of the wrong virtues could lead a person's sense of reason to choose apparent goods and therefore be moving away from the purpose that God has established. To fall short of God's intentions is to sin.

14. This type of attitude/brain training is referred to as having an **informed conscience**.

a. What is a virtue?

b. Why did Aquinas think that developing certain virtues was important?

Make sure you understand the importance of the virtues within Natural Law, not just what the virtues are.

### 15. Explain the importance of virtue and purpose in Aquinas' Natural Law. (30)

Aquinas was heavily influenced by the work of Aristotle; it was Aristotle's work and thoughts that led to Aquinas' "Natural Law" discussed in his book *Summa Theologica*. One of the main ideas that influenced Aquinas was Aristotle's four causes which he applied to everything. Aristotle argued the final cause of humans was to promote Eudamonia or *the Good Life* whereas Aquinas mainly supported the idea that the 'efficient' and 'final' causes were God given and will lead us back to union with God in heaven.

Aquinas therefore **theologised** Aristotle's beliefs. Aquinas believed that humans' relationship with God needed to be re-established since it was broken by Adam and Eve. He argued that we can be pleasing to God through our good actions. He suggested that every action you do has a purpose and ultimately the final purpose of humans is to get into Heaven. Aquinas split these actions into efficient and final causes. An example of this is if you break your leg the efficient cause (or lower aim) would be what brought it about, so in this example it would be not looking where you were going. The final cause/purpose (or higher aim) would be to be more cautious and feel empathetic for others who break their legs later on as you know what it is like. In this sense, every action has a higher aim which guides humans to their final purpose.

The 'final cause' of actions is very important in Natural Law because they uphold the primary precept 'to learn' which would be pleasing to God. The five primary precepts that Aquinas believed would lead to an 'ideal' universe are: To live, to learn, to reproduce, to order society and to worship God. Aquinas believed that these five primary precepts are God given and grounded in human nature and that they identify which acts are 'good' and lead us to our final purpose (eternal life in Heaven with God). These five primary precepts are engraved upon human hearts and guide humans to fulfil their ultimate purposes. An example of this is one would know that the use of contraception is wrong as it interferes with the final cause of reproduction which is a fundamental precept.

Along with these five primary precepts, are secondary precepts which are rules that are there to uphold the primary precepts. These differ from the primary precepts as they are not absolute and there is even some flexibility, such as polygamy in certain countries such as Afghanistan as it still upholds the primary precept of 'to reproduce'. The secondary precepts rely on rationality to decide whether an action is 'good' or not. This is important to Natural Law because natural moral law is like a circle – it is given by God, passed to humans and then the purpose of every action is to be pleasing to God.

Examiners comments

sociable person without enmically altering a person's personality would be a real good, where-as

someone drinking alcohol/taking drugs to perform this act is an apparent good (thinking we are doing good but it is a sin). Aquinas stated that human's should 'do good and avoid evil' and believed people did not deliberately mean to be evil. He believed by doing real goods we would develop virtues that would lead us to our final purpose.

Aquinas also used the writings of Aristotle to identify the four cardinal virtues, or good characteristics available to all through the use of reason. Aquinas believed there was a link between happiness and virtuous behaviour, and that with reason everybody will be able to be guided to developing the right virtues. The four cardinal virtues are; Prudence- the ability to judge between actions Justice- being able to balance our interests with the rights and interests of others, fortitude- 'courage'/ the ability to confront fear and uncertainty to achieve your goal and finally temperance – to be able to practise self-control or restraint in order to be considered honourable. Aquinas outlined these as the four basic human qualities which are necessary to form the basis of a moral life, which will again lead to a humans final purpose; heaven.

Along with Aristotle's four cardinal virtues, Aquinas also made the three theological virtues (or revealed virtues). The *Dictionary of Christian Theology* reminds us that these virtues remain subordinate to the cardinal virtues. They are directed to the Divine being (relating to the Divine level of natural law in which God set us rules through scriptures) Aquinas believed these three virtues couldn't be obtained by human effort and can only be infused through divine grace. The three theological virtues are Faith (belief in God), hope (expectation of and desire of receiving an eternal life in heaven with God) and charity (selfless, unconditional and voluntary loving) Again, the main purpose of these virtues is to gain eternal life in heaven. They are mainly revealed in St Paul's letters to the Corinthians.

In conclusion virtue and purpose are important in Aquinas' Natural Law as they include a variety of principles and rules that begin to make up the absolutist, legalistic deontological theory (universal norms that apply to all people at any given time that are either 'good' or 'bad' that humans must obey to gain eternal life) It could be argued that these are important to Aquinas' Natural Law as both of these apply to everyone at all times, that can be found with reason regardless of whether the individual is religious or not. As St Paul says in the romans chapter 2v14 "the requirements of the law are written on their hearts" emphasising how Natural Law is applicable to everyone, and that virtue and purpose are basic necessities to all humans everywhere.

Examiners comments

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

### Answer

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

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

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

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

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

### Analysis of the answer

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

## Interior and Exterior Acts

17. Aquinas believed BOTH the intention and the act itself were important.

- Acting in a good way for the wrong reason is to perform a good \_\_\_\_\_ act but a bad \_\_\_\_\_ act.
- To help an elderly lady cross the road (good \_\_\_\_\_ act) to impress someone (bad \_\_\_\_\_ act) is wrong.
- It should be done out of charity and not for the sake of admiration for others.



*Write your own example here:*

- Good \_\_\_\_\_ don't always lead to good \_\_\_\_\_.
- If I steal money (\_\_\_\_\_ act) to give it to a friend (\_\_\_\_\_ act), the theft isn't made 'good' by my intention to help my friend.



*Write your own example here:*

- The only end that Aquinas values is \_\_\_\_\_.
- Aquinas believes that acts are \_\_\_\_\_ good or bad (good or bad in themselves) because when human beings act in accordance with their ultimate purpose, God is glorified.
- The act of helping the elderly lady across the road is good in and of itself, because it accords with the true human nature and in accordance with their \_\_\_\_\_ purpose, and that glorifies God.

*This demonstrates Aquinas' deontological approach to Natural Law. Explain how*

## The principle of double effect

Aquinas' approach to understanding intentions is important when applying Natural Law to moral dilemmas. It is at the heart of what is known as the 'doctrine of double effect'. This states that even if a good act results in bad consequences, then it is still right to do that act, even if it was known that bad consequences would result. The important issue is the intention. If the intention was not to bring about these bad consequences, then the unfortunate side effects do not make the act morally wrong. Classical formulations of the principle of double effect require that four conditions be met if the action is to be morally permissible:

1. That we do not wish the evil effects, and make all reasonable efforts to avoid them;
2. That the immediate effect be good in itself;
3. That the evil is not made a means to obtain the good effect;
4. That the good effect be as important (proportionate) at least as the evil effect.

An example of this would be treating a pregnant woman for cancer in order to save her life but at the same time destroying the unborn child. Since the death of the unborn child was not the intention of the act that produced it but rather an unfortunate side effect, then the act that brought it about is deemed good and morally right, according to Natural Law ethics.

### 18. Explain the principle of double effect? Use and example

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## Real and Apparent Goods

Thomas Aquinas believed that humans were mainly good because we are created by God, and that natural law is with all of us. He believed that we are orientated towards the achievement of good. "No evil can be desirable, either by natural appetite or by conscience will. It is sought indirectly, namely because of a consequence of some good". He believed that actions which were not in the pursuit of good could be explained as the pursuit of the apparent good.

**Apparent Goods** - Something that does not fit with the perfect human ideal.

"A fornicator seeks pleasure which involves him in moral guilt". The adulterer commits adultery because he or she believes it is good. This (for Aquinas) is an error in reason; because the action of adultery prevents the person from drawing close to what God intend (purpose).

19. **Example of the Child and the TV** – A parent advises a child . . .

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To distinguish between real and apparent goods the human must use reason correctly and to choose the right thing to do. Aquinas realised that this was not always easy. We may be tempted to do things we enjoy, which may not be good for us.



## 20. Real and Apparent Goods Consolidation Task

- purpose
- misguided
- good
- avoided
- apparent
- evil
- Aquinas
- reason
- human
- laws
- good
- real

Aquinas believed that God had instilled in all humans the inclinations to behave in certain ways which lead us to the highest \_\_\_\_\_ and, by using our reason, we can discover the precepts (\_\_\_\_\_) which express God's Natural Law built into us.

Aquinas believed that the most basic natural inclination of humans is to act in such a way that "good is to be done and pursued, and evil is to be \_\_\_\_\_". He thought this because we are designed for one \_\_\_\_\_ – perfection in union with God, so we would not knowingly pursue evil. If a person does something that is morally wrong, he or she will do this because they consider this to be a \_\_\_\_\_. However, it is not really good, but rather an \_\_\_\_\_ good! Aquinas said, "No evil can be desirable, either by natural appetite or by conscious will. It is sought indirectly, namely because it is the consequence of some good." He also says, "A fornicator seeks a pleasure which involves him in a moral guilt". In other words, the fornicator seeks a pleasure which he thinks is a good, but this is only an apparent good and does not fit the perfect \_\_\_\_\_ ideal.



In order to work out what is a \_\_\_\_\_ good and what is an apparent good we need to use our \_\_\_\_\_ correctly and choose the right thing to do. No one seeks evil, it is only sought as an apparent good and therefore rests on \_\_\_\_\_ reason. Breivik, for example, did not seek \_\_\_\_\_ in massacring 77 Norwegian people – rather, he sought what he thought was good but was mistaken. At his trial in August 2012, Breivik said he regretted not killing more people, and apologised to other "militant nationalists" for not achieving an even higher death toll. This again, can be viewed a misguided reason!

When doing apparent goods, humans' \_\_\_\_\_ – they fall short from the good and become less than that which God intended them to be. \_\_\_\_\_ says, "The theologian considers sin principally as an offence against God, whereas the moral philosopher considers it as being contrary to reason."

## 21. Outline Aquinas' Natural Law ethical theory.

Natural Law is a body of unchanging moral principles regarded as a basis for all human conduct and is written in human nature. Natural Law was developed by Aristotle, a Greek philosopher, who believed in promoting happiness and reaching eudemonia. Whereas Thomas Aquinas, a 13<sup>th</sup> century Dominican monk and wrote books such as the "Summa Theologica", took Aristotle's idea and theologised it.

One example of this was Aristotle's four causes. Aristotle thought that everything in the world, including humans, had four causes. These were: Material Cause, Formal Cause, Efficient Cause and Final Cause. Aristotle believed that the final cause was the most important cause for humans. For example, a human's material cause is flesh and bones, their formal cause is the shape and structure of the body, the efficient cause is the human's parents or guardian and their final cause is to reproduce and reach eudemonia. According to Aristotle, the final cause is the most important because happiness was the "telos" of his Natural Law and he believed that if we all complete good actions, society could reach eudemonia.

On the other hand, Thomas Aquinas had a different view of Natural Law. He took Aristotle's four causes and altered them. He theologised the four causes which meant that he put God into his version. For Aquinas, the most important causes were the efficient and final causes because the efficient cause is the cause for events and actions while the final cause is about how humans can learn from their mistakes. The efficient cause for humans would be God and their final cause would be to get into heaven and re-establish their right relationship with God.

Aquinas believed in four levels or "channels" of law. These were: Eternal Law, which represents the everlasting nature of natural law. Divine Law, which Aquinas believed came from God. Natural Law is where humans become distinct from animals. Author Gerard Hughes wrote in the *Cambridge Dictionary of Philosophy* that "natural law distinguishes humans from other beings in the natural world". Finally, Human Law is man-made laws that reflect the four laws. One example of Human Law is speed limits on roads and motorways. They have been put in place so that more people don't drive as fast and less people die or get injured in road accidents. This supports the "do not kill" bit of Divine Law. Where Aquinas differs from Aristotle is that he used and put in God in his laws, specifically the Divine Law. Aristotle did not see it as a God given law. Aquinas "theologised" Aristotle's Natural Law by adding this channel.

Aquinas also believed that there were five purposes to human life. He named these the primary precepts and ordered that we all must abide by them. Aristotle thought that there was one main purpose in human life, happiness, whereas Aquinas thought there are five purposes given to us by God. They are: to live, to learn, to order society, to reproduce and worship God. There are also secondary precepts which are precepts that uphold a primary precept. The main difference is that primary precepts are absolute and secondary precepts can change. Aquinas believed that these five purposes have been revealed to us through the four channels. Therefore, if we turn to scripture or we use our reason, these purposes will become evident.

Moreover, Aquinas argued for Real and Apparent Goods. Aquinas believed that we all try to get the best outcome out of every situation. We are naturally inclined to do good and avoid evil in order to reach the highest good and fulfil our purpose. That is why human nature is essentially good because there is Natural Law in everyone. A Real Good is an action that is the right use of reason, leading to action that

leads us towards perfection. An example of this is giving money to charity. An apparent good is when you are doing something good when it actually isn't, for example, Andreas Breivik believed he was doing the right thing when he killed over 70 people in Norway in 2012. Apparent goods seem to be good through misguided reason. Aquinas does admit that everyone does make mistakes and is susceptible to sinning; however use of reason will guide us to real goods which are pleasing to God.

Similar to real and apparent goods are interior and exterior acts. An interior act is the motive or intention for performing an act and the exterior act is the act itself. Aquinas believed that an act should be done out of charity and not for the sake of admirations of others. Acting in a good way for the wrong reason is to perform a good exterior act but a bad interior act, for example, helping an elderly person across the road in order to impress someone is wrong. Aquinas believed that acts are intrinsically good or bad because when human beings act in accordance with their ultimate purpose, God is glorified. The act of helping the elderly lady is good in itself because it accords with the true human nature.

Furthermore, Aquinas was influenced by Aristotle's belief in the cardinal virtues. He said that virtues are important because they represent the human qualities and characteristics that reason suggests help us to live a moral life and to fulfil true human nature. There are two types of virtues; Cardinal and revealed. Cardinal virtues are virtues which Aquinas, influenced by Aristotle, believed are necessary to form the basis of a moral life and are apparent to all through the use of reason. The four virtues are prudence, justice, fortitude and temperance. Revealed virtues (also known as Theological) were devised by Aquinas through reading St Paul's letters to the Corinthians and are faith, hope and charity. We are reminded in the Dictionary of Christian Theology that these virtues are subordinate to the Cardinal virtues.

**a. What is good about this essay?**

**b. What needs to be added?**



### **Aquinas' Natural Law - application of the theory:**

The application of Aquinas' Natural Law to both of the issues listed below:

1. Abortion
2. Voluntary euthanasia

#### **What is abortion?**

Abortion is the termination of a pregnancy before 24 weeks that is brought about by human intervention. This should not be confused with a miscarriage, which is a natural occurrence.

#### **5. In pairs, discuss the ethical issues that are raised by abortion.**

#### **6. From your list, highlight which you think is the most important issue and explain your choice.**

•  
**Before fully analysing how Aquinas' Natural Law can be applied to abortion, it is important to know and understand background information about abortion.**

- Offences Against the Person Act of 1861 made procuring a miscarriage an offence
- The 1929 Infant Preservation Act allowed the preservation of the mother's life as a reason for termination
- Until 1967 abortion was illegal in all Western democracies except Sweden and Denmark.
- The Abortion Act of 1967 permitted abortions if the life or health of the woman is at risk – this refers to both her physical and mental health also if there was a risk the baby would be handicapped. Abortion would also be allowed if the authorities felt that any existing children would be harmed by the addition of another child. In each situation, **two doctors** must certify that the law is being followed.
- In 1973 the Roe V Wade case in the US opened the door for liberalising the abortion laws in many countries – although it is worth noting that the Republic of Ireland did not follow suit; abortion remains illegal there today.
- The Embryology Act of 1990 abortion up to 24 weeks (28 previously) gestation and the abortion of foetus' due to abnormality is permitted until birth.

Peter Singer raises the issue of personhood

'To kill a human adult is murder, and is unhesitatingly and universally condemned. Yet there is not obvious sharp line which marks the zygote from the adult. Hence the problem.'

#### **7. Create a very brief timeline of abortion law developments in your notes.**

## Two classifications of abortion – Medical and surgical

There are various different methods used to abort an unwanted pregnancy; the abortion pill, vacuum aspiration abortion, dilation and evacuation (dilation and curettage), partial birth abortion.

### Medical

*The Abortion Pill – Otherwise known as medical abortion - this method of abortion works in two stages – the woman is given a drug called mifepristone which blocks the hormone needed for implantation – after 48 hours the woman is given a different drug which triggers contractions and causes the foetus to be expelled from the woman’s body. This type of abortion is generally performed up to 7 weeks of pregnancy. This method is not available in all areas.*

### Surgical abortion

*Vacuum Aspiration – This is where a tube is inserted into the womb, it is available up to the week 13 of pregnancy. Women usually recover within a few hours and can go home the same day*

*Dilation and Evacuation – A dilator is used to enlarge the cervix and the contents is removed using surgical instruments as well as suction. This is used in later stages of pregnancy.*

*Partial Birth – This involves the extraction of the body of the foetus into the vagina before the contents of the skull are sucked out. This type of abortion is mainly reserved for severe abnormalities or if the woman’s life is at risk.*

## 8. Write up a summary of the two types of abortion

**One of the most important issues surrounding abortion is the moment of the beginning of humanness.**

This moment of humanness is discussed in philosophical, ethical and legal circles, but biologically speaking the beginning is at conception.

**The actualisation of the potentially to become fully human takes the following course.**

1. Conception
2. Zygote (pre-embryo, 0-5 days, a cell formed by the union of a male sex cell (a sperm) and a female sex cell (an ovum), which develops into the embryo according to information encoded in its genetic material)
3. Blastocyst (a group of multiplying cells, pre-embryo, 5-14 days)
4. Embryo (14 days to 8 weeks)
5. Foetus (8 weeks onwards, when the major structures have formed)
6. New born (birth, usually between 38 and 42 weeks)

The stage of pregnancy is calculated from the first day of the woman’s last period. Despite such accuracy of science and technology, even the stage of conception is arguable vague and the timings given above assume normal growth rates.

*‘The basic argument against abortion, on which all others build, is that the unborn child is already a human being, a person, a bearer of rights, and that abortion is therefore murder’*

Mackie

## Sanctity of Life

- This tends to be a religious stance which suggests that all life is sacred and holy.
- All humans are seen to be equal and as such should be respected and valued.
- All life has intrinsic value (value in itself)
- Christians believe that God created all life, we are created 'imago dei', and that life is a gift from God.

To argue that life is sacred means that we recognise that all life, absolutely, has value. Sanctity of Life also affects discussion based around any kind of taking of life. If one believes that life is sacred, then this precludes abortion and euthanasia. Many Christians assume that life is sacred based on biblical revelation and Church teaching – the Book of Genesis makes clear that humans are God's creation and that life should be respected as such.

- Peter Singer argues that to discuss sanctity of life is an inappropriate discussion because it is too difficult to determine when life begins – when does a homo sapien become a human person? If we talk of human life being sacred then we have to open the door to the sacred nature of other species. He claimed we should have a more universal discussion about the value of life.
- Vardy introduce the idea that to determine the sanctity of life we must discern at what stage of development **ensoulment** occurs. If you are a dualist, then a human person consists of a soul and a body.
- Religious believers hold that the soul is implanted by God. Augustine argued that the soul was implanted at 46 days – he condemned the killing of both formed and unformed foetuses. Aquinas maintained that the souls of girls were implanted at 90 days and the souls of boys at 40 days. This means that for Aquinas life becomes valuable at ensoulment – therefore abortion could occur before the soul has been implanted.
- Aquinas held that there are stages of the soul development – vegetative form, which is then replaced by the animal form which is discarded as it becomes a human soul.
- In the 17<sup>th</sup> Century the Catholic Church stated that life begins at conception – i.e. that the soul is present at the moment of fertilisation. This shows a distinct change from Aquinas' view the Catholic Church is affirming the sanctity of life from the very moment of conception. Hence why the Church prohibits abortion.
- Some Christians argue that the soul is not implanted at conception, but rather our soul develops

## 9. What is sanctity of life and what is it based on?

## 10. What is ensoulment?

## 11. What are the different ideas about ensoulment?

## Quality of life

Looking at human life in a different way, are those who would argue that life has **extrinsic** value. Proponents of this argument believe that life is only valuable depending on what sort of life it is. When considering the value of life, it is important to consider the extent to which someone has the desire to live, the extent to which it is preferred that they live, the extent to which someone has autonomy over their lives, the extent to which we have a right to choose what happens to themselves, and the extent to which they are a conscious being. If it is that any one of these areas is lacking then it is argued that, based on quality of life, it is acceptable for a person to end their life – or even someone else's.

**Peter Singer and Helga Kuhse** both say that there are problems with sanctity of life teaching and it would be better to look at life from a Q.O.L perspective.

### 12. What is the quality of life argument?

#### Background information - What is the Christian position with regards to abortion?

A Christian making a judgement with regards to abortion will make their decision after consulting the following sources – the Bible, Church Tradition and the Christian ethical theories. The Bible provides the following references which can be used to suggest that abortion should be unacceptable for a Christian.....

“God blessed them, saying ‘Be fruitful, multiply, fill the earth and subdue it.” Gen 1:28

“You shall not kill” Ex 20: 13

“Now it happened that as soon as Elizabeth heard Mary’s greeting, the child leapt in her womb and Elizabeth was filled with the Holy Spirit.” Lk 1: 40ff.

“You created my inmost self, knit me together in my mother’s womb. For so many marvels I thank you; a wonder am I, and all your works are wonders. You knew me through and through, my being held no secrets for you, when I was being formed in secret, textured in the depths of the earth. Your eyes could see my embryo. In your book all my days were inscribed, every one that was fixed is there.” Psalm 139.

The Bible does not directly relate to abortion, but the above quotes could be used as evidence to suggest that life is sacred, God given and not to be terminated by humans.

- In the Roman Catholic Catechism abortion is strictly prohibited (refer to Natural Law theory). Some Catholic Christians might invoke the principle of double effect in order to allow them to have an abortion.

### 13. What are Christian ideas about abortion based on?



## **The application of Natural Law to the issue of abortion.**

For those who accept Aquinas' doctrine of Natural Law and seek to apply this to the issue of abortion believe that the key primary precept involved here is that of preserving innocent life. Therefore abortion is seen as inherently evil because of the intentional and direct killing of an innocent human being. This would apply to all situations including cases of rape and incest.

## **The debate – when can a foetus be considered a person –**

- Conception?
- At the appearance of a certain feature e.g. neural activity?
- An alternative approach is offered by Howard Kainz (Professor of Ethics)

Kainz claimed two other precepts are perhaps even more important and relevant than 'the preservation of life principle' – the right to procreation and the right to nurture offspring.

Therefore, if someone is prepared to make exceptions to the 'preservation of life principle' if the woman's life is in danger then they should also make exceptions in the case of rape as they have not chosen to *voluntarily* conceive and procreate. Rape violates this choice. It becomes a question of conflicting principles that exist within the primary precepts as they stand. This would then obviously open up the debate. Real and apparent goods could also raise more questions.

Kainz argues that these dilemmas and confusion could be solved by a more 'Christian' approach. This would be if the women decided to nurture a child after rape or who sacrifices her own life due to a problem pregnancy in order for the child to survive. This would be an example of virtuous behaviour – as she would be sacrificing her personal rights beyond the normal call of maternal responsibility.

Kainz raises an important issue but also indicates that Natural Law has an obligation to reason, through the art of casuistry, and clearly take into account Christian virtues. However, some would be reluctant to accept that even the virtue of agape (love), the greatest of the revealed or theological virtues, can be stretched beyond what the primary precepts identify as its key application. Critics may suggest that this is not a true understanding of the application of such virtue.

*'It goes without saying, however, that Christian principles may supercede considerations of conflicts of right relating to Natural Law. Deciding to bring a child into the world after rape, for example, would be in the same category as gospel admonitions to 'go the other mile', 'lend to others without hoping for repayment', 'turn the other cheek', etc. .... Form the standpoint of Natural Law, such decisions would belong in the category of heroic virtue – sacrifices of personal rights that go beyond any normal call to maternal responsibility.'* Kainz

**14. What is the key primary precept for the issue of abortion?**

**15. What other issues are important?**

**16. Write a brief summary of Kainz' ideas.**

## Alternatively

'When suffering is the result of following an ethical principle then we need to look very carefully at our ethical principle and ask whether we are applying it too inflexibly.' Tony Hope – Professor of Medical Ethics at the University of Oxford

'The doctor's dilemma is self-evident – is he or she practising truly 'good' medicine in keeping alive a neonate who will be unable to take a place in society or who will be subject to pain and suffering throughout life.' Mason and Laurie

'It is perverse to seek a sense of ethical purity when this is gained at the expense of the suffering of others.' Hope

### Key terms

Birth: the point at which the child is separated from the mother and becomes a separate entity

Consciousness: awareness of self

Ensoulement: the point when the soul enters the body

Potential: the possibility, at conception, of becoming a human person

Pro-choice: supporting women's rights to have abortions

Pro-life: against abortion

Quickening: traditionally, when the child is first felt to move inside the mother

Relational factors: different interpretations of the same words or terms, depending on the viewpoint of the observer

Sanctity of life: the belief that life is sacred or holy, given by God

Viability: the ability to grow and develop as an adult, especially the ability of the child to exist without dependence on the mother

### 17. Add

Zygote

Blastocyst

Embryo

Foetus

## **The application of Aquinas' Natural Law to the issue of: voluntary euthanasia**

### **Issues arising from euthanasia**

**Euthanasia** literally means 'happy or easy death'. It refers to the ending of human life by painless means in order to end severe physical suffering or to prematurely end the life of someone suffering from an incurable, terminal disease. It is sometimes referred to as 'mercy killing'. Euthanasia is currently illegal in the UK.

The first problem involves the different definitions and types of euthanasia

Terms to know:

#### **Voluntary euthanasia-**

The person concerned requests someone to help them die, perhaps by asking for help to take an overdose of painkillers. It is sometimes called physician assisted suicide.

#### **Active euthanasia**

Active euthanasia occurs when the medical professionals, or another person, deliberately do something that causes the patient to die.

### **18. Write definitions of euthanasia and voluntary and active euthanasia.**

#### **The history of the legal status of euthanasia**

1961 – Suicide was decriminalised – however, this law clearly stated that to aid or assist suicide in any way was still a crime.

#### **There are two central principles at stake.**

1. Whether or not killing should be allowed in any circumstances
2. Whether all life has value – the sanctity or quality of life- for religious, ethical or philosophical reasons.

Generally, a physical end of life can be determined medically. However, for a person in a coma, for example, who is kept alive artificially and yet still demonstrates signs of consciousness, the issue is problematic. Such a situation again calls into question the definition of life and even whether a physical definition is enough. This is a key question in the euthanasia debate.

#### **Sanctity of Life**

To argue that life is sacred means that we recognise that all life, absolutely, has value. There is no one person who is more important than another. Sanctity of Life also affects discussion based around any kind of taking of life. If one believes that life is sacred, then this precludes euthanasia. Many Christians assume that life is sacred based on biblical revelation and Church teaching – the Book of Genesis makes clear that humans are God's creation and that life should be respected as such. This theory is central to the Catholic view.

### **19. Use the information above and on abortion to write up a definition of sanctity of life.**

## Quality of life

### 20. Use the information on abortion to write a brief summary of the quality of life argument.

#### Personhood

What makes us human? Are we human from conception or birth, or are we only to be considered human if we can think and act as conscious human beings?

If someone is in a persistent vegetative state (PVS) may be human but not really a person and in all aspects are already dead. This means those who are mentally ill and paralysed could all be considered incomplete persons and so are already dead.

**Germain Grisez and Joseph Boyle** stress the importance of personhood. They argue against the view that one can cease to be a person but still be bodily alive. They don't accept that someone in PVS, is no longer a person. For them, bodily life is a good in itself (has absolute value). Euthanasia is therefore wrong as it is against the basic good of life.

#### Autonomy

John Stuart Mill writes that in matters that do not concern others, individuals should have full autonomy. We should be free to do what we like as long as we don't harm others.

*'The only part of the conduct of anyone, for which (a citizen) is amenable to society is that which concerns others....Over himself, over his body and mind, the individual is sovereign'. Mill.*

*'In my view, the highest principle in medical ethics – in any kind of ethics – is personal autonomy, self-determination. What counts is what the patient judges to be a benefit or a value in his or her own life. That's primary'. Richard M. Gula).*

Personal autonomy may suggest that any competent adult has the right to decide whether to end their life. This is reflected by the fact that Switzerland allows for voluntary euthanasia if the death is imminent, the person is of sound mind and the quality of the life is poor.

### 21. What if personal autonomy conflicts with other important values? Can you think of any examples?

### 22. Can you think of any other problems with this view?

### 23. How may the Sanctity of Life conflict with personal autonomy?

## **Rights**

The right to life suggests that people have a duty not to kill others. However, this inevitable occurs and is often accepted in situations such as war, self-defence, capital punishment. In the case of euthanasia, can the right to life be overturned? Do people have a right to die?

Do people have a natural right to die (an absolute right)? This would seem paradoxical as life itself is the prerequisite and fundamental basis of all other rights. Saying 'I want to die' does not necessarily mean that one has the right to die.

Do we have a human right to die? This certainly is not part of the Declaration of human rights. Perhaps we could allocate a right to die by considering the individual situations. However, this would be problematic. How could we decide whether granting such a right would be a good thing?

### **Killing and letting die**

Some doctors suggest that euthanasia already goes on. They will give painkillers in doses that mean death may occur sooner. In the case of PVS, they will withhold treatment or withdraw treatment. However, we must make the distinction between killing (taking life) and letting die (not saving life).

**James Rachels** argued that there was no distinction between active euthanasia (killing) and passive euthanasia (letting die). He actually suggested that passive euthanasia was worse as it was cruel, long, brought about more suffering and yet the end result was the same – death.

### **Arguments against euthanasia**

#### **Slippery Slope**

Legislation that supports voluntary euthanasia may lead to legislation for non-voluntary euthanasia. Handicapped or sick individuals who may not suffer excessively but may be candidates for euthanasia as they may be a burden to their families or society or because others consider that their quality of life is such that it is not worth preserving. If we can set criteria for deciding who is to be allowed to die, then why should it be wrong to set criteria for who should be killed. Some have suggested that Nazi Germany is an example of this. Thus, the strict rule against killing another human can be argued to serve a useful purpose.

#### **24. Can you think of any arguments against this?**

#### **Motives**

When a person asks to die, how can we be sure that I am not simply crying out in despair rather than making a decision? Can a doctor be certain that the person knows all the facts? Is it possible that a person's fear of the future may pass and never actually be realised? It seems almost impossible to know beyond doubt the true intentions of anyone asking for euthanasia.

#### **25. Can you think of any other arguments against euthanasia?**

**26. Can you think of any arguments to support euthanasia?**

**The application of Aquinas' Natural Law to the issue of: voluntary euthanasia**

**Key principle – the primary precept to preserve/defend innocent life.**

**27. This is often expressed in terms of the 'sanctity of life' argument. Sanctity means . . .**

Natural Law teaches that there is something special about a human being that is above and beyond that of animals. Therefore, it should be protected. The taking of another's life, even if they request it, is not therefore morally acceptable. By the same argument, the taking of one's own life (suicide) is equally an immoral act.

Christianity teaches us that God has absolute dominion over life. Therefore, personal autonomy is exercised within certain boundaries set by God. Personal autonomy does not extend to bringing about one's own death because: 'You shalt not kill' and suffering connects us to the suffering that Jesus felt on the cross.

**The Catechism of the Catholic Church** defines euthanasia as 'an act or omission which of itself or by intention, causes the death of handicapped, sick, or dying persons – sometimes with an attempt to justify the act as a means of eliminating suffering'.

This would be the objection of Natural Law to an approach that suggests **casuistry** and a consideration of virtues or ends is subordinate to the application of primary precepts. It also suggests that there are dangers in what may be considered virtuous and entitled 'mercy' killing, is really an apparent good only.

*Casuistry typically uses general principles in reasoning analogically from clear-cut cases, called paradigms, to vexing cases. Similar cases are treated similarly. In this way, casuistry resembles legal reasoning. Casuistry may also use authoritative writings relevant to a particular case.*

Encyclopaedia  
Britannica

**28. What is casuistry?**

However, there are some instances of uncertainty in the application of even the first precept. As Professor Ian Harriss has argued, in a paper on euthanasia and applied ethics in 2005, there are still some questionable applications of the first precept that exist today in the name of Natural Law. He writes, 'In Spain, where the Catholic faith and Natural Law have exerted a strong influence on policy, an intervention with the direct intention of either accelerating death or killing the patient is considered morally wrong, but the heavy use of sedation implies that unconsciousness either disease-induced, or drug induced, is generally perceived as the best way out.'

Although administering drugs to end a life is unacceptable, it could be argued that it is morally acceptable, under Natural Law, to give a large dose of morphine to control the pain of a terminally ill patient, even if it was foreseen that morphine would shorten the patient's life. Whatever the consequences, the intention was not to kill the person, but to bring relief to their pain. This is the application of the principle of double effect. The Catholic Church also argues that 'it is important to protect, at the moment of death, both the dignity of the human person and the Christian concept of life

against a technological attitude that threatens to become an abuse'. This means that doctors do not have to go to extraordinary means to preserve life. It is difficult, however, to measure extraordinary means – medical technology is constantly changing.

**29. What is the principle of double effect and how can it be used at the end of life?**

However, again in response to this application of Natural Law, Harriss claims that by using the doctrine of double effect then the Natural Law theory is compromised.

There are other applications of Natural Law to consider.

1. Would legalising voluntary euthanasia challenge the precept of living in an ordered society?
2. Would allowing mass voluntary euthanasia disrupt society?
3. You could also consider each of the precepts alongside an understanding of how correct reasoning is applied and also use of the moral virtues.

In conclusion, the application of Natural Law, in light of its complexity – let alone the complexity of the issues surrounding both abortion and voluntary euthanasia – could mean that any attempt to apply it may not always be considered to be the definitive model.

**30. Create a mind map of the application of Natural Law to both abortion and voluntary euthanasia.**

**31. Write essay plans for the following questions**

Examine the application of Natural Law to abortion. 20 marks AO1

Examine the application of Natural Law to voluntary euthanasia. 20 marks AO1

'Natural Law effectively deals with ethical issues' Evaluate this view. 30 marks AO2

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

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

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

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

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

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

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

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

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



## AO2 Activity *Possible lines of argument*

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

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

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

## AO2 Developing skills

It is now time to reflect upon the information that has been covered so far. It is also important to consider how what you have learned can be focused and used for examination-style answers by practising the skills associated with AO2. Assessment objective 2 (AO2) involves 'analysis' and 'evaluation'. The terms may be obvious but it is crucial to be familiar with how certain skills demonstrate these terms, and also, how the performance of these skills is measured (see generic band descriptors Band 5 for AS AO2). Obviously an answer is placed within an appropriate band descriptor depending upon how well the answer performs, ranging from excellent, good, satisfactory, basic/limited to very limited.

### Key skills

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

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

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

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

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



## Answer

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

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

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

Therefore it is not that excellent. <sup>6</sup>

## Analysis of the answer

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

## Issues for analysis and evaluation

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

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

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

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

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

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

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

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

**Read the possible conclusions that could be drawn from the AO2 reasoning above.**

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

Consider each of the conclusions drawn above and collect evidence and examples to support each argument from the AO1 and AO2 material studied in this section. Select one conclusion that you think is most convincing and explain why it is so.

Now contrast this with the weakest conclusion in the list, justifying your argument with clear reasoning and evidence



# Issues for analysis and evaluation

## The strengths and weaknesses of Natural Law

Natural Law clearly has many strengths otherwise it would have not been as influential as it has been throughout history.

The first attraction and strength is that it is based on what it means to be human. To be human means acting in line with your true nature and following our natural inclinations. When the theory is applied, it assumes the special status of human beings.

Natural Law also reveals a universal law, and is therefore not relative to culture or a religion. This means that the primary precepts are common to all. Because it is about following natural inclinations, then the application to a moral issue is always the same, wherever you are and whoever you are.

Natural Law appeals to common sense and some versions, for example that posed by Aristotle, do not need God for its authority. It also gives a clear basis for morality, there is an authority and a clear justification for actions allowed and it is clear how Natural Law is applied. For instance, the primary precepts are clearly identified and justified. It is clear for all to see why abortion is wrong.

Natural Law also judges the intrinsic value of actions regardless of outcomes – it is the action itself, not the outcomes, that decides whether an act is moral. This avoids the problem of seemingly doing an action that appears good but in fact has evil motives. In such cases the theory does not identify those acts as good. This seems a correct judgement.

It could also be argued that its application seems clear even when there appears a conflict within the system itself. Whilst the application of the primary precepts is straightforward, the doctrine of double effect allows for possible conflicts of primary precepts.

Finally, it does encourage virtuous behavior such as love, wisdom, justice and temperance. These are valuable in any society.

However, there are some strong challenges to Natural Law. Perhaps the most significant one is often referred to as the naturalistic fallacy. It is unreasonable to expect someone who does not believe in the existence of a moral God, to accept that what simply exists as human nature has moral authority. It is argued that describing the facts of any situation never leads to making a value judgement. What 'is' (fact) does not imply what 'ought to be' (value). In other words there seems to be a mistake in reasoning (fallacy) in identifying morality with another concept (i.e. nature).

Indeed, what does it mean to say an action is 'natural'? Does it just mean that it refers to the action that is common to a particular group?

There is also a question over whether or not there really is a common human nature? Surely the fact that cultures have different values challenges the idea of a common nature; for example, the Spartan nature was to kill weak or defective children whereas this is certainly not universal. Some would deny there was any such thing as a human nature. Indeed, human nature seems to change. For instance, the debate about homosexuality has raised questions about what is natural.

There is also the challenge that if there is a constant unchanging human nature and a Natural Law that stems from it, how is it that so many through the centuries have got human nature so wrong, for example slavery and apartheid were considered as natural.

As Natural Law is a major component of Roman Catholic doctrine, its legalism might seem to some to be in conflict with a Christian stance. It is action centred rather than people and consequence centred. This is particularly evidenced in Natural Law approaches to abortion and euthanasia.



The doctrine of double effect assumes that a sharp distinction can be drawn between directly intending a result and merely foreseeing it. If a result can be foreseen, then in performing the action the person must be intending the consequence. For instance, the acceptance of collateral damage from a bombing raid. If it is known that many innocent lives will be lost, then is the act moral? It also raises the issue that Natural Law itself raises about intentions and real and apparent goods.

In conclusion, just as with any system there are key strengths and weaknesses. Rather than judging the overall quality of Natural Law, it may be better to point out that, for many, there are consequentialist systems that are preferable to Natural Law simply because they are more flexible and suitable for today's world.

### **AO2 Activity** *Possible lines of argument*

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

1. The strengths of Natural Law can withstand criticisms as they have done throughout time.
2. The weaknesses with Natural Law are far too strong for it to remain a valuable ethical system today.
3. Since most of our laws are a reflection of Natural Law is it still valid today.
4. Natural Law will remain valid if it will focus more in application on virtues and goods in casuistry rather than on precepts.
5. Other ethical theories that are either more flexible or consequentialist are preferable to Natural Law.

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

## **A consideration of whether Natural Law promotes injustice**

We can see how this issue may be raised because on the one hand Natural Law fails to recognise that some acts, for example sex, can have more than one purpose. As a result this clearly discriminates against those who perform an act without fulfilling its purpose, for example pre-marital relationships and homosexuality.

As it is inflexible at times, Natural Law fails to move with the times and promotes what some would see as 'old-fashioned' and out of date ideals. For example, this can clearly be seen in the fact that divorce is viewed as wrong and yet is legal; likewise, abortion is legal but viewed as wrong by Natural Law.

Unlike relativistic theories such as Situation Ethics, Natural Law fails to consider the personal situation in which a person finds themselves. Some people argue it could be more loving to allow non-married couples to express their love for each other through sex. Moreover, it does not, in considering the context, reflect the true application of law, which always considers 'mitigating circumstances' for any crime committed. Natural Law simply applies universal principles almost like a 'one size fits all' theory. This is certainly inconsistent with modern justice. However, some would argue that there are clear ways in which Natural Law promotes justice by providing humans with a set of rules which they can live by and it promotes a sense of community. This is very important for social justice.



Natural Law also promotes universal and eternal laws: so human beings know, regardless of the century they live in or where they live, what is acceptable and what is not. People have the primary precepts as guidance. In this sense it both promotes and supersedes human justice, as it recognises that God punishes those who do wrong and sin as they move further away from reaching the goal of eternal life with God. This is a very significant aspect for those religious believers that follow Natural Law.

Finally, it promotes justice by advocating basic human rights such as the right to life, the right to education and the right to live in an ordered society. No-one would disagree with these today.

In conclusion, it appears that although Natural Law does have its flaws when applied rigidly and has the potential to cause injustice, the fact that its very basis is to promote virtue, love and protection of the innocent through an ordered society means that it would be very harsh to agree and make a general statement that Natural Law promotes injustice.

### AO2 Activity *Possible lines of argument*

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

1. The statement cannot be true because one of the virtues, and indeed a purpose of Natural Law, is to see that justice is served.
2. The inflexible nature of Natural Law leads to injustice in practice.
3. Overall, Natural Law does not promote injustice but there are potential problems with it in application.
4. If Natural Law were followed, it would clearly promote injustices and there are several examples of this.
5. If applied carefully, sensitively and with good reasoning in a Christian manner, Natural Law could never promote injustice.

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



## AO2 Developing skills

It is now time to reflect upon the information that has been covered so far. It is also important to consider how what you have learned can be focused and used for examination-style answers by practising the skills associated with AO2. Assessment objective 2 (AO2) involves 'analysis' and 'evaluation'. The terms may be obvious but it is crucial to be familiar with how certain skills demonstrate these terms, and also, how the performance of these skills is measured (see generic band descriptors Band 5 for AS AO2). Obviously an answer is placed within an appropriate band descriptor depending upon how well the answer performs, ranging from excellent, good, satisfactory, basic/limited to very limited.

- **Your task is this:** below is a strong answer that has been written in response to a question requiring evaluation of Natural Law as a good basis for making moral decisions. Using the band level descriptors you can compare this with the relevant higher bands and the descriptions inside those bands. It is obviously a strong answer and so would not be in bands 1–3. In order to do this it will be useful to consider what is good about the answer and what is accurate. The accompanying analysis gives you clues and prompts to assist you. In analysing the answer's strengths, in a group, think of five things that make this answer a good one. You may have more than five observations and indeed suggestions to make it a perfect answer!

## Answer

For many believers across the world Natural Law does provide an excellent basis for making moral decisions. Its absolutist approach determines that some actions are always right or always wrong. This provides people with clear cut consistent rules. Natural Law echoes the Ten Commandments in the Bible such as 'do not kill'. <sup>1</sup> Natural Law is still used by the Roman Catholic Church, the largest Christian denomination in the world. It must therefore provide an excellent basis for making moral decisions as it is still used by many as part of their faith. The Pope criticised relativist theories as 'moving towards a dictatorship of relativism' where the individual only looks out for themselves. In contrast, Natural Law is based on goodness for all humanity. It promotes precepts such as 'an ordered society'. It also promotes the Golden Rule of Christianity – 'Do unto others as you would have them do unto you' through cardinal virtues such as justice. <sup>2</sup>

However, many have criticised Natural Law's absolutist approach. For example, some philosophers have observed that what is 'good' or acceptable varies within different cultures and believed that there is no such thing as a universal human nature. <sup>3</sup> The idea that all of humanity is given the gift of reason also seems unrealistic as not everyone has the ability to reason. Reformist Protestants such as Martin Luther have also criticised Natural Law and Roman Catholic theology for the emphasis they place on human reason, as he believed that the Bible was the highest form of authority. <sup>4</sup>

Many also believe that Natural Law is outdated in its views on abortion and euthanasia and the strict rules it applies prevent people from doing what they believe to be right. It was a firm belief in Natural Law that led to the Pope condemning the widespread use of contraception in poverty-stricken African countries when surely allowing this would be the most loving answer to providing a better quality of life? <sup>5</sup>



Whilst many favour the rules-based approach given by Natural Law and the way it allows them to have a clear moral stance on many issues, I think it is fundamentally flawed as people's perception of what is a rational decision will vary according to their cultural background – what is considered rational and right in one culture may not be in another. <sup>6</sup>

## Hints

- 1 Focus.
- 2 Understanding.
- 3 Examples.
- 4 Role of authority.
- 5 Develop.
- 6 Link.

## Completed hints

- 1 The answer has clearly focused on the question and has made a valid point on the benefits of Natural Law's absolutist approach.
- 2 The second half of the paragraph displays clear understanding of one of the core principles of Natural Law and of one of the virtues.
- 3 Some good examples of evaluation are given here pointing out two of the major weaknesses of Natural Law. The fact that not everyone has the ability to reason could be developed further with an example.
- 4 The reference to Martin Luther shows a mature understanding of the issue of the importance of scriptural authority over Natural Law.
- 5 Whilst the points raised here are perfectly valid, they could be developed – what are Natural Law's views on abortion and euthanasia and why are these views held? Why according to Natural Law would contraception not be allowed?
- 6 An appropriate conclusion has been drawn that clearly links to the arguments presented above. Perhaps an example could have been used to illustrate the point made? But still, overall very good.

# Natural Law – Evaluation and Applied Ethics

## A02

Issues for analysis and evaluation will be drawn from any aspect of the content above, such as:

- The degree to which human law should be influenced by Aquinas' Natural Law.
- The extent to which the absolutist and/or deontological nature of Aquinas' Natural Law works in contemporary society.
- The strengths and weaknesses of Aquinas' Natural Law.
- A consideration of whether Aquinas' Natural Law promotes injustice.
- *The effectiveness of Aquinas' Natural Law in dealing with ethical issues.*
- The extent to which Aquinas' Natural Law is meaningless without a belief in a creator God

**Injustice** – treatment of people with inequality and unfairness, both generally and before the law.

### Advice for exam success

Examiners are looking for **quality** and not just quantity in A02.

They want to see you **evaluate and analyse** the 'fors' and 'againsts' rather than simply list a few of them. Common mistakes need to be avoided:

Don't just answer A02 as strengths and weaknesses

Don't list – evaluate

Add a conclusion

## Introductory task 1

### Evaluating Natural Law

**Decide which statements are strengths or weaknesses of Natural Law – S or W**

**Decide which statements accept or reject the idea that the natural law approach to moral decision making is just – A or R**

1. Absolutist and deontological it provides common rules help to structure communities
2. Atheists would challenge the idea that God given reason can provide us with a source of law
3. Natural Law provides not just a set of rules but a way of living, guidance on how to live life
4. It promotes justice and morally right behaviour as it provides clear-cut views on what is right and wrong e.g. abortion is always wrong
5. Natural Law provides a concrete reason to be moral, it is not based on emotions or feelings
6. It does not take unpredictable consequences into consideration
7. It is simple and easy to follow
8. It supports justice and modern ideas such as human rights and equality e.g. Nuremburg Trials
9. Kai Nielson claimed that there was no basic human nature in all societies and cultures (based on anthropological evidence). Human nature has changed over time
10. The Primary Precepts might be wrong and therefore we might not live our lives according to our purpose
11. Natural Law is a Christian ethic, but Jesus was against legalistic morality. Kevin T. Kelly claimed that Christian ethics should be based more on the person and Fletcher claimed it should be based on love.

12. It is dependent on belief in God. It only works if the world makes sense and has a final cause, if we don't believe there is a final cause that Natural Law does not make sense.
13. It can lead to injustice as it fails to recognise that some acts have more than one purpose and discriminates against those who perform an act without fulfilling its purpose e.g. sexual ethics
14. Rachels argued that Natural Law is outdated.
15. Supported by religious texts – Genesis, Exodus, John 8v1 etc.
16. Roman Catholics use Natural Law as basis for moral decision making
17. Natural Law does not take into account the situation or consequences e.g. abortion
18. It is just because it is based on reason and discoverable by anyone, religious or not

## 2 Evaluation activity – in depth

**Read through the information and highlight your favourite 3 arguments for and against for each question** – fill in the planning sheets. Now see if you can spot any overlapping scholars. Could you use the same quote for more than one question?

1 Relativism argues that everything depends on circumstances and that there are no universal moral rules. NML provides an opposing, **absolutist and deontological view**. R Bowie **“It enables people to establish common rules in order to structure communities”** and **“It gives clear unambiguous answers to moral questions in times of moral uncertainty”** By insisting that there are universal moral truths it does give social advantages such as: Conditions to govern and protect citizens. It provides boundaries on behaviour and creates an environment of order. This can be attractive in the modern relativist era.

2 The theory is not based on the outcome of the action which is a distinct benefit over teleological theories such as *Utilitarianism*. Judging an action by its outcomes is unknown / uncertain. Whereas, focusing on the motive; emphasis on the act as the moral imperative is an ethical factor we have direct control over. We are the creators and governors of morally. It emanates from our thoughts and initial actions. Mel Thompson ‘if everything is created for a purpose, human reason, in examining that purpose is able to judge how to in order to conform to that purpose’

3 A non-believer would have no desire to follow a system of ethics based upon the belief in a creator God and fulfilling God’s will. **P Clarke** “If mankind has no religious destiny, it could be argued that the idea of following a natural law ethic ultimately makes no sense”.

4 If promotes injustice as it fails to recognise that some acts, e.g. sex, can have more than one purpose and as a result discriminates against those who perform an act without fulfilling its purpose, e.g. a married couple having sex for pleasure (*refer to G.E. Moore and the naturalistic fallacy*). **Jack Dominion**, a Catholic scholar wrote in *Passionate and Compassionate Love*, that sex is a personal expression. It communicates recognition and appreciation between the partners . . . It brings couples reconciliation and healing after dispute and hurt, it celebrates life and provides meaning, it is a profound way to thanking each other for the loving partnership that they have. He separates children from this personal expression of love.

5 It is not dependant on cultural relativism. NML offers a possible external truth, many different cultures accept the same basic principles e.g. preserve life. This is attractive in a world of multicultural disorder.

6 The Natural Law approach to ethics creates a link between the creator, our creation and our purpose. **Bowie** 'Natural Law directs people to their final destiny. It is the divine law, God's Law as opposed to human law.'

7 Natural Law seems to override free will. Some scholars believe that people should have the freedom to make their own moral choices e.g. *Fletcher – Situation Ethics*

8 **G E Moore** wrote *Principia Ethica* 1903 in which he accused Aquinas of committing the **naturalistic fallacy by deriving an 'ought' from an 'is'**. Simply, he took a fact, such as sex 'is' a function of reproduction and claimed that people 'ought' only use it with knowing intention of creating new life. Lytton Strachey followed this criticism with "...that indiscriminate heap of shattered rubbish among which one spies the mangled remains of Aristotle, Jesus, Kant, Aquinas and Spencer. Plato seems to have come out tolerably well". That is how the accusation of natural fallacy has left these theories.

9 Natural Law fails to consider the situation people find themselves in or the consequences of the action. For example, it does not allow abortion even in the case of rape (*challenge from Situation Ethics*). The theory states that divorce is wrong because it goes against one of the precepts, 'to live in an ordered society'. But, this limited vision of morality does not consider the harm or wellbeing of others in the relationship and the consequences of an action. (*SE & UT, relativism*). However, many people would contest the above point that there is such a thing as a universal human nature. R Bowie "...the idea of there being a fixed human nature is simplistic and seems to fly in the face of increasing diversity and the changeable nature of personal identity (human)..."

10 The theory eliminates emotions from the morality of the actions as it is based on reason. This prevents relativism, decisions being made in relation to emotion. Furthermore, emotions change from time to time which is not a good basis to form moral decisions on. *The impact of emotions is one of the flaws of situation ethics which NML avoids. Thompson 'Feelings can change, but the issue of right and wrong remains fixed.'*

11 It is simple and easy to follow as it assumes there is an ideal and universal human nature all humans need to do is strive towards this state. **Peter Cole and Richard Gray** 'Being human means acting in line with our true natures when we follow our natural inclinations'. It provides clear cut laws e.g. stealing is wrong as it goes against the precept to live in an ordered society. **R Bowie again "It gives clear unambiguous answers to moral questions in times of moral uncertainty"**

12 Atheists would challenge the idea that God-given reason and nature provide us with the source of law. **Thompson** stated that if one comes to the conclusion based on observation such as innocent suffering that the world 'is unlikely to be the product of an omnipotent or loving creator then the natural law argument loses foundation.'

13 In the New Testament, Jesus appears to oppose legalistic (law-based) morality. He appears to have adopted a form of 'personalism' (Situation Ethics). He says people are more important than rules e.g. the healing on the Sabbath (Matthew 12v9-13).

14 Many argue that Natural Law promotes both justice and moral behaviour by advocating through the primary precepts basic human rights such as the right to life, the right to education and the right to live in an ordered society. **Vardy and Grosch 'At the end of the second world war, Nazi war criminals were tried at Nuremburg according to what were claimed to be universal moral laws which were closely modelled on natural law thinking'**

15 The Natural Law theory is outdated. James Rachels in his book *The Elements of Moral Philosophy* stated **'the theory of Natural Law has gone out of fashion.... The world as described by Galileo, Newton and Darwin has not place for 'facts' about right or wrong. Their explanation of natural phenomena make no reference to values or purposes.'**

16 The Natural Law approach seems to be supported by religious texts.

**St Paul** . . . Law in the hearts of all men

**Genesis** . . . Chapter 1 where it states that all humans should reproduce

**Exodus 20** 'do not murder' upholds the primary precept 'to live in an ordered society'.

**Clarke** ' An extra dimension to Aquinas' theory is his identification of natural law with divine law. What was right or wrong in regard to nature and its laws was also right or wrong in the eyes of God.'

17 The Roman Catholic Church would argue that Natural Law has provided an adequate basis for making moral decisions for over seven hundred years. It forms the basis of moral teaching.

2011 Pope Benedict said **'Christianity has pointed nature and reason as the true sources of law – and to harmony of objective and subjective reason, which naturally presupposes that both spheres are rooted in the creative reason of God.'**

18 Jesus' teachings appear to contradict some of the Natural Law's primary precepts, e.g. you have the right to protect yourself from the primary precept 'to defend the innocent'. **Jesus stated** (Matt 5v39), **'If someone strikes you on the right cheek, turn to him the other also'.**

Jesus' teachings are based on love and not reason. John 13v34 'Love one another. As I have loved you . . .'

Quakers link Jesus' teaching about love to same accepting sex relationships.

19 David Hume claimed Aquinas had placed too much emphasis on that which was natural and good and that which is not natural; such as homosexuality was considered by Aquinas as unnatural and therefore not good. Hume believed this position about what was natural was not particularly clear **"what we find in nature without human intervention"** **D Hume**. This is a good attack. For example: things such as tooth decay are natural, but

surely tooth decay is also bad. Does this mean that brushing my teeth is immoral because it prevents the natural order? **“No one thinks that brushing his or her teeth is immoral”** J Driver.

20 Kai Neilson argued against Aquinas’ belief in a basic human nature that is present across societies and cultures e.g. Inuit’s killed family members that wouldn’t survive the winter .

### **3 Activity**

Create a detailed essay plan for each of the possible AO2 questions

#### **Remember – Success Criteria**

- You can present your arguments and counter arguments in the same paragraph or deal with these issues in separate paragraphs.
- Use which ever style you prefer.
- Make sure you include at least three key arguments for and against for each question and evaluate don’t list!





## Evaluating Natural Law – just add numbers here

### Strengths and weaknesses of Natural Law



Strengths	Weaknesses
1. R Bowie <b>“It enables people to establish common rules in order to structure communities”</b> and <b>“It gives clear unambiguous answers to moral questions in times of moral uncertainty”</b>	9. Natural Law fails to consider the situation people find themselves in or the consequences of the action. For example, . . .

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

Natural Law should influence human law	Natural Law should not influence human law

**Could Natural Law's absolutist approach promote injustice?**

Promotes injustice	Does not promote injustice

**To what extent can Natural Law as an absolutist and/or deontological theory work in today's society?**

Can work	Cannot work

**To what extent is Natural Law meaningless without a belief in a creator God?**

Natural Law is meaningless if you do not believe in a creator God	Natural Law is not meaningless if you do not believe in a creator God

**‘Natural Law as an absolutist/deontological theory cannot work in today’s society.’ Assess this view (15)**

To some extent this statement is true as Natural Law does not consider the individual circumstance. This means that Natural Law might not be the most ethical response to a situation because not all circumstances are the same. For example, there might be times when stealing is morally acceptable; if I were to steal for a starving child. Natural Law, however, would not allow stealing in any circumstance. Many other ethical theories, *such as situation ethics*, argue that we should indeed take the circumstance into account. This is a good argument because common sense would suggest that we should do what is best for people in a situation and not just follow what law dictates. Moreover, who is to say that the law is accurate?

On the other hand, can an absolutist God given law ever truly be out of date in today’s society? In this sense, as Natural Law is eternal, it should be relevant for all societies. For example, the law ‘do not kill’ seems to be relevant in all societies; from Greek times and in contemporary society. This suggests that there is a moral code embedded in ALL human beings, regardless of when they are born. However, it is the emphasis on the ‘God’ given nature of natural law which is weak in today’s society as many people believe that not killing is relevant to atheists as well as believers.

Moreover, some people argue that the theory of natural law has gone out of fashion. In this sense, many people in today’s society have never even heard of natural law, never mind follow the primary precepts. James Rachel’s argues in *The Elements of Moral Philosophy* that in the world of Galileo, Newton and Darwin there are no place for ‘facts’ about ethics, their explanations of natural phenomena make no reference to values or purposes. It seems that Rachels is correct in suggesting that the importance of value has declined in our society which makes this a good argument. It is evident that our culture is more concerned with facts.

Conversely, Natural Law does provide clear cut laws which allow everyone to have a guideline on how to act ethically. For example, Natural Law is evident in many contemporary Government laws such as truancy laws which help people learn. This seems to be a weak argument, however, as a law should be something that a society can subscribe to, yet natural law is a law which is dictated from a Divine Being making it unequal to some members of society. In addition, Vardy and Grosch have claimed that ‘At the end of the second world war, Nazi war criminals were tried at Nuremburg according to what were claimed to be universal moral laws which were closely modelled on natural law thinking’

Ultimately it seems that natural law is too absolutist in today’s society. Laws are better off given by a Government as opposed to a Divine Being as in this way more people would feel comfortable following the rules, especially as we live in a largely secular society.

**4. Identify in three colours**

Arguments

Counter arguments

Evaluation

