Natural Law

Introduction to Ethical Theories - Part I
Case Study: Human Torture

In the United States, should torture be considered a morally justifiable means of extracting potentially vital information from terrorist suspects?
Case Study: Human Torture

In the United States, should torture be considered a morally justifiable means of extracting potentially vital information from terrorist suspects?

NO
1) No, never, absolutely not.
2) No. It just doesn’t feel right. It leaves a bad taste in my mouth.
3) It goes against the U.S. constitution and thus, at least in the United States, it should be outlawed.
4) No. Torture violates human dignity, universally instituted through the U.N. declaration on human rights and readily apparent to all reasonable human beings.
5) No. Torture is immoral because it does fit within the command to love one's neighbor, which recognizes the image of God in every human being.

YES
1) I'm fearful of terrorists entering this country. Allowing our government to do what every it takes to keep our families safe, makes me feel more secure.
2) The first duty of the government is to protect its own citizens from outside threats.
3) If torturing one person enables us to save thousands of innocent lives, then the ends justifies the means.
Actions are right just because they are natural, and wrong just because they are unnatural. And people are good the extent that they fulfill their true nature, bad insofar as they flout it.

*The Fundamentals of Ethics*, p. 72
Argument from Thomas Aquinas

The Fact
There is moral pluralism among particular groups, communities, and cultures.

The Problem
The fact of moral pluralism would seem to make all laws arbitrary, which we cannot accept.

The Solution
We need to articulate a universal law transcending time, place, tribe, clan, and religion.
Argument from Thomas Aquinas

**Eternal Law**

God’s Wisdom, as determined by God’s nature and intellect, which governs and directs all creatures.

**Natural Law**

The natural law is nothing else than the rational creature's participation of the eternal law.

1. All things operate according to their created nature and thus follow the eternal law by natural inclination.
   - A rock “wants” to fall. A plant performs photosynthesis by its “inclinations.” An animal flees or fights.
2. Do not confuse with laws of nature; the natural law governs only persons. A rock falls by a law of nature; a human acts by the natural law.
3. Humans are persons. As persons they do not follow the law out of brute mechanical necessity, or out of irrational habit, but by reason – choice.

**Human Law**

The laws of tribes, nations, international organizations, which may be just or unjust

1. They may express universal principles but are not themselves universal.
2. A just human law expresses the truth of the natural law.
Argument from Thomas Aquinas

Determining the Natural Law for Humans

The good is derived from the natural being of the thing.

Substances
Self-preservation

Animals
sex, care and education of offspring
security and comfort

Rational Creatures
society
knowledge
relationship to God
Is morality dependent on opinion?

Natural law theory promises to explain how morality could possibly be objective, that is, how its standards depend on something other than human opinion.

_The Fundamentals of Ethics, p. 72_
What distinguishes us from animals?

Natural law theory easily explains why morality is specially suited for human beings, and not for anything else in the natural world.

*The Fundamentals of Ethics*, p. 72
Where does morality come from?

Natural law theory has a clear account of the origins of morality.

The Fundamentals of Ethics, p. 73
How do we get moral knowledge?

Natural law theory may solve one of the hardest problems in ethics: how to gain moral knowledge.

*The Fundamentals of Ethics, p. 73*
What are we born with?

**Human Nature is what is innately human.**

Traits we have from birth or inborn.
Opposed to those learned or nurtured in society.

**Rousseau’s Romantic Optimism**

or

**Hobbes’ Common Sense Pessimism**

**Critique**

The ultimate origins of our impulses are irrelevant to the morality of our actions.
What do we have in common?

Human Nature is what we all have in common.

That which is universal is essential.

or at least that which most human specimens share is natural

Critique

If empirical evidence showed that (all) human being where at root selfish, we would still not want to say that selfishness is morally good.

What is the threshold percentage for how many members of the species need to possess a trait for it to be considered universal enough?
What is a Human Being for?

Human Nature is what we are designed to be and to do.
Such a trait is some distinctive function, end or purpose we are to achieve.

Theistic Basis
There must be some beneficent intelligent designed behind our being.
Thus to fulfill our purpose is to fulfill God’s purpose in designing us.

Secular Basis
There are still such things as natural functions and mechanisms of evolution.
Efficiency Model: Humans are by design, efficient at accomplishing certain things.
Fitness Model: That which improves our survival and reproduction is good.

Critique
Neither Secular nor Theistic models can account for all moral/immoral actions.
The Argument from Humanity

Morality is rooted in the definition of Humanity

**Scientific Answer**

Being a member of the species *Homo Sapiens* makes one human.

**Humanist Answer**

To be human is to bear a moral status, i.e. possess certain rights such as right to life.

**Theological Answer**

To be human is to bear the image of God and possess inherent human dignity.

**Critique**

Each of these definitions only gets us so far in solving complex moral problems.
Michael Sandel on Genetics

http://www.youtube.com/watch?v=aFcfygkMMoI
Skill: Outlining an Argument

CONTENT
What is the organization?
Draw lines across the page demarcating the major sections including:
Introduction - Body (and the major sections of the argument) - Conclusion

What is the point?
In one sentence, summarize the main point that the author is communicating?

ANALYSIS
How does the author appeal to the reader?
Ethos - Establishing Credibility
Pathos - Appealing through emotion
Logos - Making an argument through reason

How would a Natural Law ethicist analyze this text?
In terms of relevant questions, values, or conclusions.

EVALUATION
Use the relevant concepts and arguments from Natural Law ethics to take a stand on whether we should utilize this technology to modify and improve the human germline?
New York Times Topics Pages

Privacy

Genetic Engineering
For Tuesday

Using the language and concepts of Deontological Ethics, write a 2 page argument for or against a fundamental RIGHT to privacy and whether there is a corresponding DUTY of all internet and advertising corporations to respect privacy.

Use, but do not directly quote, the readings the website in your argument.