

Establishing the Natural Law

By Reverend Raymond Smith, O.P., Ph.D.

All nature must function without choice within the framework of the eternal law with one exception—only man, dwarfed by the world around him, has been given a choice to live according to his nature or not.

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dflynn@paulistpress.com

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establishing THE NATURAL LAW

Introduction

Few things are so evident to the modern mind as the role of the Catholic Church in defending the natural law. Not only does the Church defend that law, she also uses it to support her own teachings in the field of morality. Briefly we can list three areas in which the Church has recourse to the natural law to explain and justify her position.

One is the Church's repudiation of euthanasia or "mercy killing." In his encyclical *The Mystical Body of Christ*, the late Pope Pius XII wrote: "Conscious of the obligations of our high office, we deem it necessary to reiterate this grave statement today, when to our profound grief we see at times the bodily-deformed, the insane and those suffering from hereditary disease deprived of their lives, as though they were a useless burden to society.... Yet, what sane man does not recognize that this not only violates the natural and divine law written in the heart of every man, but flies in the face of every sensibility of civilized humanity?"¹

Concerning Birth Control, Pope Pius XI wrote in his encyclical on Christian Marriage: "...no reason, however grave, may be put forward by which anything intrinsically against nature may become conformable to nature and morally good. Since, therefore, the conjugal act is destined primarily by nature for the begetting of children, those who in exercising it deliberately frustrate its natural power and purpose, sin against nature and commit a deed which is shameful and intrinsically vicious."²

Finally, the Church explicitly defends the natural law and in so doing sets the scene for a severe judgment against racism. In his very first encyclical letter, *The Unity of Human Society*, Pope Pius XII wrote: "It is well

established that the first and profound source of the evils of which the modern state is afflicted, issues from this fact, that the universal standard of morality is denied and rejected, not only in private life of individuals but also in the State itself, and in the mutual relationships which exist between races and nations; that is, the natural law is being nullified by detraction and neglect."³ The burden of the study which follows is to point out that we can prove the existence of this natural law. Once we understand its meaning we shall be able to defend the positions taken by the Church on birth control, mercy killing, race segregation, and many others which every adult, thinking person must face in the modern world of ideas.

To begin with, man does what he does because of what he is. We have certain capacities and many limitations. Man cannot of himself fly. He can walk and run. Should we ask why, the obvious answer is because that is the way man is made. In order to understand man, we must be prepared to admit that man acts the way he does because of his nature or being.

All reality follows the same principle. Each piece of nature or art has a very definite essence making it what it is. An automobile is made in a special way because of the peculiar purpose it serves.

Natural things have a more complex history as regards purpose since all of them can be pushed to something beyond their own end. Bees, for instance, have a special mode of life, one of the most fascinating in nature. No one taught them the amazing things that they can do. All of their activity flows from the instincts which equip them to act in a certain way. The honey they produce can be used by man, but that is something beyond the bee's knowledge. The only point we wish to make at the moment is that each thing acts according to its nature.

Man is, to be sure, the most complex of all creatures. Although nature did not equip him to fly, man is able to invent an artificial means to provide him with aerial transportation. With some experimentation man can even produce something which resembles honey. Yet, man is ever restricted to that which flows from his nature. Since he possesses an intellect, man might foolishly suppose himself above limitation, bound by no

¹ Pope Pius XII: *The Mystical Body of Christ* NCWC Edition, Washington 5, D.C., p 59.

² Pope Pius XI: *Christian Marriage* Paulist Press Edition, New York. In *Five Great Encyclicals*, p. 92.

³ Pope Pius XII: *The Unity of Human Society*. Although this is available in many editions we have used the translation in the English edition of *Denziger: The Sources of Catholic Dogma* Herder, St. Louis, p. 612.

rules or laws. He will feel that way only when he fails to reflect on what he is and hence why he does act the way he does.

How can we know what we are? If we turn to philosophy we discover so many divergent opinions that we give up in despair of an answer. We need not add a new theory nor shall we invoke an old one. If we accept the principle already stated that we act according as we are, then all we have to do is reverse the principle, that is, find out what we do and then we shall see what we are.

We are very aware of the fact that we share much with plants and animals as regards our physical activities. We have a certain vegetative life and we are conscious of an emotional and sensitive life. Unlike the plants and animals we have a capacity for reasoning which we call the intellectual life. Restricting ourselves to the order of nature herself we see that we can define ourselves as rational animals. For those unwilling to admit this definition of man, then the road to establishing the natural law will be closed. Nevertheless, one might with profit read what follows because what we have to say is so obviously valid for each person that upon reflection the individual who denied that man is by nature a rational animal might be inclined to reconsider his position.

Granted then that man is a rational animal, we can proceed to our problem of showing that there is such an entity as the natural law. We have to be prepared to admit that man has very definite inclinations which flow from his nature, for which he is in no way personally the cause, but through which man is able to see what he is and how he must act in order to preserve the human nature which is his.

The search for the Law

Establishing the existence of the natural law should not require any outside reading. We must expect to find it written in our hearts. Our problem is one of setting forth truths which no man can deny and showing from these truths the fact of the natural law. Although we do not require any reference books to solve our problem, we must not conclude that the problem is an easy one. On the contrary, a study of the existence and essence of the natural law requires much serious thought and reflection.

Within man are three basic inclinations. The first of these inclinations is not peculiar to man but common to all beings. Every thing has an inclination to preserve its own being or existence. We call this primitive urge within all things the law of self-preservation. Obviously inanimate things are not conscious of this inclination nor can it be called in them a natural desire except analogically. Yet, even the rock resists destruction and in fact can be quite stubborn about it.

Also plant life fights for survival. Any botanist can tell us how the roots of flowers and trees will even endeavor to push rock and heavy objects out of their way in search for water or moist soil. On a higher level, the animals carry on the struggle for self-preservation both in their pursuit of food as well as in battles with their natural enemies.

On the highest plane is man. In many ways he is the strangest of all creatures from the point of view of self-preservation. Man is born so utterly helpless that unless someone took care of him at once, he would perish. How different is man from plants and animals! Most animals would have at least a fair chance of survival if left alone, and some even do manage with virtually no care from the generator. Like all nature, man instinctively seeks to survive.

No one is taught this basic urge. We possess automatic reflexes which spring to our protection if something is thrown in our direction. Our eyes, ears, our lungs, and our digestive system are all able to withstand certain outside foes that come to disturb the delicate organism that is man. If the harmful object is too great then an eye might be lost, an ear drum punctured, a lung debilitated, a stomach at least upset. By far, though, man has amazing defensive as well as recuperative powers. All these argue to the truth of this first law of nature, the law of self-preservation.

Man exhibits this urge to survive by his desire for food and sleep, and the general capacity to protect himself. As the infant, he gives cries of need which are quickly quieted by the mother's feeding. Or the infant might cry not from any hunger but because a pin is sticking in him. Any discomfort will arouse this urge to self-preservation. Nor is man taught to sleep but naturally falls into this state when he requires it, and his system is prepared for its soothing effects. Sleep preserves the organism lest it wear itself out by too much activity.

Normally man fights death. His body resists many germs and even when the body succumbs to one, the system still fights vigorously to hold its own. Some people fight harder than others to live. Their will to live is strong and tenacious. Nevertheless, even those who appear resigned to die or simply too weak to fight any longer will suddenly regain energy during the final hours before death's arrival and they will attempt to cling to life. One sign of this is the way a person who is dying will grab on to the sheets on the bed as if trying to hold on to this human existence a little longer. So strong is the urge to self-preservation that from cradle to just before the grave, man gives constant proof of it.

Secondly, there is within man an urge to preserve the species to which he belongs, namely, the human race. This expresses itself in what is known as the sex urge. Unlike the urge to self-preservation, the sex urge does not manifest itself from birth but only after the male or female has achieved a certain maturity. We do not mean that boys and girls below the age of puberty are not aware of an urge within them toward the satisfaction of sex, but the child, unless instructed or extremely precocious, does not understand the import and role of this sex urge.

Again we are in the company of something so primitive and basic to the nature of man that no proof is required. All normal and mature persons are conscious of the sex urge within them. Their problem is one of control, not arguments that such a thing exists. By reason of the sex urge the opposite sexes seek each other. By means of the equipment that nature endows each sex, this attraction for each other will be satisfied perfectly only by the act proper to marriage, namely, intercourse. Through this act, generation is possible and the human species is preserved in being. So instinctive is this urge flowing from sex that again no training is needed.

Finally, and this is peculiar to man, there is within the human animal a desire to satisfy the curiosity of the mind. This leads to the search of truth. Any parent will vouch for the instinctive curiosity of children. "Why, Daddy?" is a favorite question on the lips of every child. No one had to teach the child to be curious. Curiosity is simply there. That it dies down later might be the fault of a poor pedagogy or any distraction of youth that makes serious study seem a real burden. However, the fact remains that the mind of man naturally seeks the truth. The child who is put off with a false or evasive

answer can be most persistent in demanding a new reply.

For the sake of clarity we restate the three basic urges of every man:

- 1) All men have a natural inclination to preserve themselves in being. This is the law of self-preservation and from it arises the urge to food, drink, sleep, and to all things conducive to personal survival.
- 2) All men have a natural inclination to keep the human species in existence and this is manifested by the sex urge wherein the opposite sexes seek the company of each other on a most intimate basis.
- 3) All men have a natural inclination to know.

No doubt we should make clear what is meant by the expression "a natural inclination." Quite simply, although it might seem redundant, a natural inclination is that which is in keeping with the nature of the thing that has it. An inclination flows from the very nature of the thing. For instance, fire naturally burns because such is the nature of fire that it will burn most objects, water being an exception. All this means is that fire has a natural inclination to burn. Fire lacks consciousness and so fire is not aware of this natural inclination.

A rose has a natural inclination to seek nourishment both from the sun and from water. Consequently, the rose digs roots into the earth and lifts its head toward the sun. This is in keeping with the nature of a rose which is to be a living thing and living under certain very demanding conditions. A rose would not naturally seek fire or rocks. We see that the rose acts according to its nature, seeking what is useful for it, not what is harmful to it. In so acting the rose moves according to its natural inclination.

In the animal kingdom the same law is observed. We call the natural inclination here an instinct. All animals are equipped with amazing instincts which account for their survival to our times. Those that could not cope with the forces of nature perished but those that could adapt themselves have survived.

The bird has a natural inclination to build her nest. This is in keeping with her nature whereby she will be able to bring new life into the world according to her own species. Among the birds, there exists natural enemies and this too is an inclination in keeping with their nature.

With man there is the magnificent difference of his rational life. Man can laugh because he can perceive what is incongruous. No one taught us how to laugh. Babies do it with such charm, even though it is difficult to judge what makes them laugh other than the completely ridiculous, or perhaps they are simply smiling from the inner happiness which escapes our eyes. Babies cry naturally too, and this is according to their nature, as we have already pointed out. At any rate, from the very nature of man there flows this capacity to perceive the incongruous and laugh, as well as to be conscious of the painful and cry. More basic is man's ability to reason. So much so is this according to his nature that when man lacks a sufficient degree of intelligence he is judged to be defective, abnormal.

Another way of putting this idea of natural desire or inclination is to say that it means or implies whatever is agreeable to one's nature. To remain in existence is clearly in agreement with one's nature; to preserve one's species is agreeable both to the individual and the species; and to seek knowledge is agreeable to man because through knowledge he employs a power which affords him great pleasure.

Not that we have mentioned the word pleasure, we can bring out a very important element in all this discussion of nature and natural inclinations and desires. No man is unaware of the fact that there is pleasure attached to eating, drinking, and sleeping. Man would be repulsed from food and drink if the taste they afforded was disagreeable to the palate. A sick person often hates to eat, especially if he is bothered with a heavy cold. His taste buds are impaired and his power of smell has been lessened. Nothing set before him is appetizing and the word appetite is nothing other than natural inclination again. When food is pleasant to the taste, man will indulge with relish and delight.

Just as pleasure is attached to eating so is there pleasure connected to the sex activity whether this be the final act of intercourse or the acts leading up to it or stopping short of it, namely, love-making. The passions of the man and woman are aroused and provide a

pleasure that proves beyond any doubt that this activity is agreeable to both sexes.

Also on the high plateau of intelligence, man still finds pleasure, an intellectual thrill as it were. Man's mind is in a state of wonder when faced with something new and strange. Man's mind is at rest when the answer to his wonder is provided. He feels good to know the truth. Knowing the right answers provides pleasure for man; it is agreeable to his nature.

Although man has many other urges within him, the three listed above are the most spontaneous and are completely universal. No man is without them. Every man has the urge to live, to love, and to know. Man can pervert them. Men do commit suicide; men do hate; men do fail to grow intellectually. The perversion provides further proof of the naturalness of these three great and basic drives within man.

What we have written so far can be confirmed by any man. He need merely look within himself. Does he not fear death? Does he not want to love and be loved? Why is he reading this study except that he wants to know? We are on ground that no philosopher or philosophy can challenge and no pretended revelation call into doubt.

We are faced with truths so obvious and clear that it seems impossible to call them into question. What is so natural to us cannot be explained away. What is so universal cannot be said to be unusual to us. These are the hard and beautiful facts of man's life. He has these three fundamental drives, urges, desires, whatever one may wish to call them. Not only does he have these, but as a result he realizes there is a world outside him.

First there is the world of food and drink. Without these material things man would not live for long. Indeed, he could not have come into being the first place. Secondly, there is the object of man's affection, that special one who so attracted him that all other women seemed not to exist. Fickle man, like fickle woman, might later change, but there is that supreme moment when there is just this one and she alone. Lastly, there are the myriad objects to be known and in the world today these objects reach beyond outer space itself.

Man is in a unique position. He can know. This means that he can know the three basic drives within him. Man can know the world outside him. Man can compare the urges within him and he can ask questions about the

meaning of all this. Man would not be a real man if he did not begin to wonder what life is about, that life which he is both trying to preserve within himself and to multiply by union with another human being. Man is coming face to face with the Natural Law.

Of course, man might not think of it all so formally and technically. Quite often men never do realize fully what life is all about because the first two urges take over so completely that the third urge, to know, is buried beneath food and sex. However, the vast majority of men do think, at one time or another, on the total problem of life and this leads them to a meditation on the purpose of their existence.

The Law and happiness

The history of thought as well as the history of the human race itself show that all men are seeking one thing and it can be expressed in one word. That word is happiness. No one will be happy with things opposed totally to his nature. Many people are happy with things that are in harmony only with part of their nature. Man's real problem is to discover what is completely in accord with his nature. Once he has learned what it is and seeks it, then he will find true happiness.

Man views that which will make him happy as something good. True, he might be mistaken in his choice and choose an object which in reality lacks enough goodness to give him complete happiness. Yet, man does view everything he seeks under the aspect of good. He cannot do otherwise. This is so much the case that we can define the good as that which all desire. What we have said is simply to repeat what we stressed above. Man has inclinations toward things that are agreeable to him. He seeks what will make him happy and wants those objects which in some way conform to his nature. These things are good. They are not of themselves harmful to man's nature.

We have already listed the three basic urges which most definitely conform to man's nature. Every man sees life as a good. He realizes that life is a right inviolate. Also every man views the choice of a companion for life as a right, contingent on her acceptance of course. Finally, all men are fully aware of their right to knowledge, to know things which affect their life and their dear ones.

In the United States we have canonized, as it were, these concepts in our Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their

creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness." No American can quibble over the fact that all men are seeking happiness. Many an American will have his own pet theory on what constitutes that happiness.

The Law and the good of all

Regardless of what each individual thinks or feels should constitute happiness, each man comes to the realization that he is not free to interfere in the legitimate pursuit of another's idea of happiness. At the same time, no one's private concept of happiness may be such that it will do harm to other if put into execution. If a man imagines that robbing banks is the acme of good fun and happiness, he will soon find that his glee is not universally shared, least of all by those who have money in the particular banks that he robs.

From this we see that our immediate concern is not with the individual's personal happiness but with the good common to all. In other words, the rights of all men must be respected as regards these first basic urges. No hesitancy on these matters is allowed.

By preserving the rights common to all we automatically safeguard the rights of each individual. The protection of the common good is really the good of all. Just as the health of the whole body means the health of each part, so the common good includes the particular good too. The part is in the whole and shares the lot of the whole. Consequently, there is no real conflict between the private good and the common good. When the common good is assured and preserved, the private good will prevail, although the opposite need not be true, that is, the private good, or advantage, does not guarantee the good of all.

From these considerations, we are able to point out two great truths about which all men are keenly aware. First, man is a social animal. His very existence depended on the union of two people, and his early survival rested on their help and protection. Man can, once he matures sufficiently, live alone but he is very conscious of the fact that for better living man is best off in a society, the initial unit being the family.

Secondly, man becomes conscious of the truth that he is ever seeking the good, looking for means to make himself and his loved ones happy. Man's attention is always directed to what he perceives as good. This awareness of good in his life leads man to realize that

the guiding principle of his actions as man is: Good is to be sought and done; evil is to be avoided. We shall call this the first principle of moral action although man need not see at once its moral implications.

Probably most people never formulate this principle in just so many words but anyone we ask: what is the first rule for moral action? - will come up with such answers as: Do as you are supposed to do. Do unto others what you want them to do to you. Do as God expects you to do. The answers will depend very heavily on the individual's background.

All these answers and many similar to them are indicative of how natural and normal it is for people to have a standard or rule to guide their actions. If a person should answer: My first principle of moral action is to get what one can out of life, then we would have to press him on whether he meant by this that he would seek his own gain even at the cost of harm to others. Should he answer that he would, then we merely would point out that he is exposing himself to the same treatment and that one stronger than he might destroy him. Thus we could show the weak position of one who prefers his own private good to the common good.

Once we have clearly in mind the three basic urges of man and the fact that the common good has a certain primacy, we can argue with considerable ease against any theory of morality that is based on purely selfish interests. We have shown that all men desire happiness but happiness demands the right to life, to a mate, and to knowledge. Anything that would make the attainment of these goals impossible would be contrary to the very drives within man.

We can now assert that these three urges or drives are so natural that unless most unusual circumstances existed, no one has the right to take them away. Considering these natural inclinations in themselves, we find nothing that would justify interfering with them or curtailing them other than some kind of conflict with the common good. Except through abuse of these urges, we cannot see how such a conflict could arise since the main point of the common good is the preservation of these natural inclinations.

Primitive man would not have too clearly in mind all the concepts listed thus far even though these ideas are basic and fundamental to his nature. Experience is a great teacher, especially in the field of social living, and

today some notions on society are still in a somewhat formative state. The things we have set forth are what would appear to be incontrovertible truths which every man today can verify for himself.

The free world looks with horror and repulsion on the tyranny of Communism precisely because this theory of the State makes the common good subordinated to the private theory of the few who are ruling. Especially resented are the violations perpetrated against the liberty of men to know and to express themselves freely. Looking back over a long span of history, we today can see what greater depth and appreciation the meaning of these natural drives within man and the nature of the society which should be best able to promote their protection and development.

The Law and its application

Primitive man would not have formulated the doctrine which we must now explain. Again the problem is that experience, trial and error, much meditation on basic notions are required if success can be achieved on the point of moral living. Our problem is one of morality, that is, one concerned with the goodness and evil of human acts. We say this because the urges within man are good in themselves and their expression should and can be good. The misuse of them or the unwarranted interference with their exercise is evil.

We must keep in mind that man is unique in the fact of possessing knowledge which transcends the particular. Animals have knowledge, sense knowledge, but their knowing is limited, confined, restricted to particular objects. Instincts drive animals and, with the aid of memory, animals are able to know and recall those things pleasant and those harmful to them. With that knowledge they act accordingly. Strictly speaking, no rational process is involved.

Man, on the other hand, acts from deliberation, a point we shall examine in detail later. We call such actions human because they flow from what is most proper to man, his intellect and will. Man knows the meaning of things. A dog chews on a bone without knowing what the meaning of a bone is other than that it is something pleasant. No dog understands or even had the concept of food in general. The dog has images of particular edible goods without ever knowing the meaning of food as man understands food.

Man not only knows what is set before him but also the purpose of food. Man has notions which are above the particular, the singular. When a man eats he knows that he is doing it for a very definite purpose. We therefore view man as a responsible agent. For instance, when a man harms another, he is tried by other men in order to judge first on his guilt or innocence. If he is guilty then he is judged on the extent of punishment he deserves. Man can stand trial for his actions which violate the common good. No dog has ever been asked to take the stand in defense of himself after having bitten a man.

These illuminations may seem rather simple and almost naïve but they drive home the important point of man's unique position in the universe. By reason of his knowledge, man knows his purpose in life. So far we have asserted this to be the right to live, to perpetuate the human race, to attain happiness. Now we must determine how man knows what is the good he must seek and the evil he is to avoid.

Man will know this by examining the basic urges within him. First man has a right to life. We have shown that this flows from his very nature which urges him to self-preservation. Man does not have to reflect long on this fact before he will realize that if he has the right to live and that this comes from his very nature, then all men have the same right. Hence, anyone who would take the life of another does an evil thing.

Of course, man must preserve his own existence and so he will ward off any aggressor, be it animal or man. Primitive man and often modern man do not always go into fine distinctions on causing the death of another man. Life being so precious and natural a possession, one should not directly intend the death of another but rather his own self-preservation.

In any event, from all this consideration, man discovers that there is not only within him an urge to self-preservation but there is also an obligation to protect himself and respect the lives of others. This primary demand flows from the very nature of man. We can express it in the following words: I must not kill. Man is so conscious of this prohibition that if he kills another man from a purely selfish motive, he knows his act is wrong. Further he would be admitting that another may do the same to him. He knows that he cannot possibly admit such a thing without acting contrary to the very nature which is his, namely, to self-preservation.

The discovery of this primary precept to respect the lives of others is not so spontaneous as is the law of self-preservation. Self-preservation is so instinctive that it is already in act before man comes to the use of reason. Not to kill others becomes explicitly evident to man only after he has reached the use of reason and has done some reflecting on the matter.

We must not conceive of every man putting this precept into so many words. Also a people might become so perverted as not to regard all taking of human life as wrong. A nation might view another race as natural enemies and to kill any member of the enemy nation to be right and just. Or again, a barbarian people might kill their female offspring or kill their aged. Nevertheless, even in these cases of perversion, the primary precept is observed because no people has ever viewed killing others as something good in itself. Always some circumstances are implicitly if not expressly understood to justify and explain the killing.

Not only the prohibition against killing falls under this first precept, but man feels he has a right to preserve his life in whatever licit way he finds necessary. Man does, then, destroy animal and plant life in order to provide food for himself. Man sees at once that he is superior to these two types of life. Indeed, man avails himself of whatever will protect his own existence. Some secondary precepts follow from the law of self-preservation but we shall mention these after we consider what is primary to all three urges.

From the sex urge within man flows the right to sexual intercourse. Here we reach a more complex situation. Man is not concerned only with himself but he has a partner, a woman. Normally an offspring will result. Much more reflection is required to understand man's rights, duties, and obligations. Yet, man is by no means slow in perceiving all these.

To begin with, the sexes attract each other and find pleasure in each other's company and desire to belong exclusively to one another. The offspring is viewed most correctly as their own, a part of each of them. Just looking upon this helpless creature makes them very conscious that his survival depends on their help and moreover their mutual help. The mother is not in a condition to provide for herself although she is equipped by nature both physically and psychologically to nurse and protect the infant. Her husband is then free to procure food, to protect, and to shelter his family. None of these items are particularly complicated

as far as seeing that such tasks must be performed. Putting their significance into formulae is; and such is done much later by the philosopher and the theologian, not to mention the clearest expression of them through divine Revelation.

The key inclination is the third, man's desire for knowledge. As we might suspect, this inclination was already operative in the above two explanations. This third natural inclination of man really brings out his unique place in the world. Man knows what he is about. Aside from recognizing the implications of the first two drives within him, man through this third inclination has a natural desire to know God, to live in society, to shun ignorance, to be considerate of those with whom he lives, and so forth.

Children, for example, are conscious by nature itself of an obligation both of obedience and respect toward parents. The parents, meditating on their role springing from the sex urge, are conscious from nature itself of their obligations relative to their children. Man's desire for knowledge flows both from this intrinsic inclination as well as from his awareness of the dangerous consequences of ignorance. Laziness is not completely destructive of this desire for knowledge because the lazy person seeks to know the best means for avoiding work!

Man's relationship with God is far more immediate than modern society often supposes. At least primitive man had a deeper awareness of obligations toward the Supreme Being. Without putting these into propositions, man was conscious of his dependence on God and sensed that he was at the service of God. Further, man has always recognized that God is infinitely greater than he is. As a result, man pays a certain honor to God. Finally, man had a vague realization that God is his last end. Thus, in spite of a certain fear of this Supreme Being, man also felt a movement of love, a desire for some kind of union with God. Such a desire comes from the religious sense within man and belongs to him from nature itself.

We can now recapitulate our findings before we launch off into greater problems centered around the natural law. Man has three basic drives within him and from them there result a whole series of obligations about which he is very aware even though he does not immediately or clearly put them into rules or laws. Man knows that he must not kill fellow men; he must have respect for his companion in life; he must care for his

offspring; he lives best in society; he must be considerate of others if he is to expect the same treatment from them; he is aware of a Being greater than himself to whom he owes what we call worship; he must satisfy the curiosity of his mind through study of himself and the world around him; he is made for happiness and he is always seeking what is good.

The Law and reason

We can put into one sentence what might be considered as the expression of the natural law for man: Man must act according to reason. We have already seen that man comes to the realization that by his very nature he seeks what is good and avoids what is harmful, that is, evil. Initially this principle of action is viewed from the first law of nature and as purely a physical thing. However, self-preservation almost immediately brings in a moral question. Man has to respect the lives of others and the preservation of his own life is a moral problem because to destroy his own life at his own hand would be to act contrary to one's natural inclination and hence wrong.

Of necessity we have to pause and explain why this notion of morality cannot be ignored and how it is bound up most intimately with all these considerations. We have introduced, without permission as it were, terms as "duties" and "obligations." Some people look with suspicion on these terms as though they were inventions of philosophers or moralists but having no foundation in fact.

We can see from what has been set forth thus far that such expressions are merely the words to identify very natural realities which no man can ignore without at the same time denying his own rationality. For a person to deny that there are such things as duties, rights, obligations he would have to disassociate himself completely from society and strip himself of his humanity. Were he to violate the rights of others, then society itself would do the disassociating for him.

Morality is a quality attached to actions we call human. Not every act that man performs is human in the sense we are employing the term. When we unconsciously stroke our hair, there is no morality connected to the act. We call such an act, an act of man rather than a human act. To blink one's eye is another example. However, to turn the blink into a wink, which is a deliberate blinking of the eye, is a human act and has a moral over or undertone. Any act that proceeds from

man with deliberation is a human act. Man knows what he is doing, is aware of at least some of the consequences to the act. He is therefore responsible for the act.

When a person learns to drive a car, the State demands that he be subjected to an examination. In this way the State determines whether or not the individual is a responsible agent and should be permitted the privilege of driving a car. One who drives a car does a deliberate act which requires intelligence and volition. Hence, such a person is responsible for the consequences of his driving. If he drives carefully, he deserves praise; if he is reckless he earns punishment such as restriction of his right to drive.

Human actions in accord with reason, that is, actions which are in harmony with the nature of man are good actions. When a human act violates the order of reason, then we call such an act evil or bad. Morality means that every human act is either good or evil depending on the action's relation to reason and man's nature. No truly human act can be morally indifferent since every act must conform to the nature of man or be at variance with it. We saw above that man might perform actions which are in themselves morally evil, for instance, killing one's female offspring, and yet be convinced from within that the act is good. Such a mode of conduct results from false moral training.

How does man know what acts are objectively good? He knows this from evaluating them in their relation to his own reason and nature. How does man know which human actions conform to his nature and follow reason? Man obtains this information by considering the facts expressed thus far in this study, that is, the three basic urges within him and the consequences which follow upon these fundamental drives.

The Law and standards

We see at once that right and wrong are by no means matters of custom. We are dealing with standards for conduct which are within and part of the nature of man. Custom may either strengthen or pervert these natural inclinations. Custom has nothing whatsoever to do with their establishment. Such formation of norms for conduct belongs to nature herself.

Our problem is to put into some kind of order which precepts of nature man will see clearly and which therefore are common to all men. Certainly the

prohibition against taking another person's life is evident. Self-preservation is proper to each man and so he has to respect this right in others. We need merely reflect within ourselves on the aversion which fills us on the thought of destroying life in another. Even a soldier in battle values life too highly as not to be repulsed at the sight of death to his comrades in arms as well as the scene of the dead bodies of his enemies. In the heat of battle, men might desire to destroy the lives of others but this comes from a spirit of revenge or, more basically, from the law of self-preservation itself. The enemy has been depicted as one who will, if able to gain power, destroy life and liberties of one's country.

Another precept that is most evident is the duty to speak the truth. Man realizes that he cannot communicate with others who are deceptive, who say with their tongues things that contradict what is in their minds. Each person knows that he must tell the truth himself or expose himself to the untruths of others. In an atmosphere of deception and lying all fruitful living in society is disrupted.

Under certain circumstances, a man might feel that he is not obliged to speak the truth directly. This can happen when another person inquires of him information whose revelation might bring harm to himself or to others he loves. We need not examine the intricacies of mental reservations on the part of the individual so quizzed, but we can see that when a person violates, or appears to violate, one aspect of the natural law, he is doing it only to protect another aspect. In this case, self-preservation is given precedence over telling the whole truth.

Man also is conscious of duties toward a Supreme Being. Of course, man does not always devise methods of honoring or placating God that conform to the revealed doctrine. That is beside the point. Men do give worship, some acknowledgment anyway, toward this Supreme Being. The day on which to do it, the way in which to conduct the service will be quite arbitrary without the aid of Revelation. The fact that such honor has ever been paid God is incontrovertible and constant proof of the naturalness of such actions on the part of man toward God.

Conflicts can and do arise within man over certain demands of his natural inclinations. For instance, a man might grow weary of the woman he espoused. Another woman might enter into his life. Primitive man would simply take another wife but he would still be conscious

of his duties to support his first wife. Even to this day, such practices are in existence, as in some Arabian countries. Were the man to discard the first wife, he would be acting contrary to nature and he would be conscious of this. Further, he would weaken his own position toward future wives who would see that their turn might come and they would face dismissal at the hand of an unscrupulous husband. That a man should have only one wife is by no means so evident as the truth that he should provide for his wife or wives.

We see that when we depart from the immediate precepts of his natural inclinations, man will vary in his interpretations of what may or may not be done. In these cases he will follow the conclusions of his own study. However, we must be realistic about this and admit that many a man will yield to partial goods and ignore the total good of his nature. We have already pointed out that pleasure is attached to eating and drinking as well as to love making. We might also have listed the pleasure attached to satisfying one's desire to power.

Impelled by these drives, man frequently abandons the path of right reason and pursues goods that actually can only satisfy his own nature in part and which really will do harm to himself as well as to others if these goods are pursued without restraint. A man who eats too much or drinks too much will lose his desire for study. Eventually he may prepare himself for an early death. Such a man defeats the urge to self-preservation by magnifying the means to keep alive until the means become an end in themselves. When people act in such a way they pervert the order of nature. Nature when so abused is destructive of itself. The same would be true of promiscuity in sexual relations which will eventually expose the persons to some kind of neurosis.

From the fact that one cannot toy with nature, we see the built-in coercive power of nature. Unlike other law-givers, nature needs no trial by jury to determine on a verdict of guilty or not guilty. Instead, nature first gives a warning and if this is ignored, she takes as it were, her revenge. Nature that is so gentle when man acts according to reason that he even calls her mother, Mother Nature, becomes a ruthless exactor of justice when she is violated. Man's propensity for pleasure when satisfied to excess ends by bringing man to a state of physical and psychological misery.

The Law and constancy

Without invoking information from divine Revelation and thus explain man's proneness to evil as the result of original sin, we can say that all men are definitely and painfully aware of defects in their intellectual comprehension as well as weakness in their will power. From this man sees why he does not perfectly understand the complete list of precepts flowing from the natural law, especially once he leaves the area of what is primary. Such failure leads some men to a denial that such an entity as the natural law does exist. Also many will claim that all morality is relative, constantly shifting, situational, a commodity that varies with people, time, and circumstances.

We know that such attitudes are patently false. Man's nature itself is a constant. His purpose has not changed. The world is still the same. What was natural to men from the beginning is still natural to them. Other items have entered into the picture but the basic, fundamental issues remain unchanged.

From these facts we must conclude that the natural law, as regards its general precepts, is the same for all men at all times. The appreciation of the natural law in its fullness is not always the same, but such a lack of understanding is a defect on the part of man's apprehension not some variableness in the natural law itself. We have already insisted on the role of experience for understanding the natural law. We could also urge the goodness of the people as a determining factor in grasping the full import of the precepts of the natural law.

This leads us to a contrary consideration of how men can corrupt certain aspects of the natural law. We have established the truth that all men seek happiness, desire what is good. The good, however, can be both genuinely good or apparently good. For man to enjoy pleasures is a good, but to enjoy them in excess is only an apparent good, as we mentioned above. Nothing prevents man though from seeking sensual pleasures in excess, except circumstances. A man can over indulge. He can have intercourse as much as his system will allow. He can arouse his passions as frequently as images will impress him or women are available.

When man reduces himself to what is primary for his sense life to the exclusion or at least diminution of what is proper to his intellectual life, he automatically lessens

his appreciation of the natural law. Such a man becomes, if he is not already, selfish, sluggish. Gradually he perverts his nature from one of a rational creature, whose perfection consists not in satisfying part of his nature but the whole man, to one who is almost pure animality. For such a man, the demands of the natural law will be obstacles to his thirst for sensual pleasure. Hence, he will ignore the natural law except where it seems to favor him. Regardless of how lofty or complicated a philosophical system he may devise or invoke to justify his actions, the fact remains that such a man has perverted his nature by corrupting his true purpose in life.

Any man who gives sufficient reflection to what we have written concerning his nature realizes that to act according to his nature, to live in harmony with his purpose in the universe is a most reasonable thing. Such a man sees that he is not driven like the animals by blind instincts. Animals unite at certain seasons. Wild animals do not get fat from overeating, only domesticated ones do. Man, on the other hand, is free to exercise his appetites any time he wishes and can find an object for them. Once man realizes what his total nature is, then he reasonably adopts a code of conduct for himself and toward others which is conducive to his well-being. The information which results from this study of self, neighbor, and the world about him comes from his understanding of his own nature and nature in general. What results and what truly conforms to his nature is what we call the natural law.

We notice that man merely discovers these rules of conduct and puts them into words so that he will be able to see them explicitly. The truth is that man participates in a system which is greater than he is himself. Man's task is to see how he fits into this system of nature so that he accommodates himself to it for his good. Although in some instances experience is scarcely needed, so natural are these inclinations, man does learn from experience that by obeying these norms of action which flow from his nature he will obtain what is genuinely good for himself and he will be happy. By disobeying these precepts, man finds that he eventually must pay heavily and that a passing pleasure is no substitute for lasting happiness.

Further, man sees that every man has these common inclinations and this makes it possible for all men to follow the same code in regard to each other. Violators of this unwritten code are to be treated as evil doers,

presuming some good men are in a position to enforce the corrections. Civil authority is established precisely to facilitate this punishment, to preserve the rights of all, and to promote the general welfare of the community.

The Law and man

Our discussion leads us to a number of important conclusions. One is that the natural law is written in the hearts of all men. This is a manner of speech, to be sure, but if we understand what has been explained to this point, we see that such an expression does put the idea across quite nicely. When we think of laws we usually picture a statute book containing all the laws. We might think of the United States Constitution which is the law of the land. These laws are written on parchments. The natural law is prior to all man-made laws. Natural law is so primary that the heart, as it were, is the parchment on which it is written.

Secondly, this law is known to all men, at least in a confused way. When man performs what we have called a human act, he makes a judgment. Almost instinctively he senses the act either conforms to his nature and hence is good, or the act opposes his nature and therefore is evil. This practical judgment is made by what we call conscience. The norm or guide for conscience is the natural law written in the heart of each man.

Thirdly, the natural law will help man to perform good actions, in other words, to be virtuous. From this we must not conclude that man is naturally virtuous but rather that man is naturally inclined to what is conformable to his nature and when he follows these dictates of natural law he will act virtuously. Man's reason will have to clarify many details of virtuous living for him.

From the third point, we might add a fourth consideration. Some things belong to the natural law because nature itself inclines man to such actions. Other items belong to the natural law because nature did not devise the contrary. For example, man is born naked, without possessions, and free. Thus does nature indicate that material things are common to all, that no one by nature owns anything. Also the offspring belongs to the parents in whose charge the infant is.

Yet, art invents clothing, and reason sees the value of private property, and even for a long time, the usefulness of slavery. Thus, certain things are added to

the natural law but without changing that law. Man needs clothing in most climates for physical protection. He realizes, moreover, that clothing is necessary to safeguard him against exciting the sex urge unduly and unbecomingly. Private property is a special problem. However, theft is directly against the natural law even before a scheme of private property was invented. To steal the child from his parents or to abduct another's wife were always regarded as wrong and contrary to the very nature of things.

The Law and its definition

With all the information we have gathered and focused on the natural law, we are now in a position to define the phrase: The natural law is the rule for human actions, inherent in man, whereby he follows his natural inclinations insofar as these lead him to his proper good.

Almost all people will admit that law is a rule, a norm, a measure which is used to judge as well as direct human actions. Law either tells man what to do or what to avoid. A law is a command and command belongs to the reason of man. If command did not belong to the reason of man we would be quite foolish in complaining that any of his orders were unreasonable.

Throughout our discussion of law we have hardly mentioned the role of the will. We have done this with the hope that the reader will see clearly that law is primarily an act of reason and not one of the will. We say that the fulfillment of law demands the will but the law itself is something pertaining to reason.

We might wonder how the natural law is something pertaining to reason if this law really is part of the nature of man himself, inherent in him as we put it. Certainly we have made it evident that man's intellect helps him to discover this natural law even though the law is almost innate to man. We have been proceeding on a purely philosophical basis and have made virtually no reference to God. Yet, even within this realm of philosophy we could eventually arrive at the conclusion that the natural law in man is nothing other than a participation in a far greater law which is, as it were, in God.

This complete and perfect rule within God we call the eternal law. By this law God governs and provides for all things on a natural plane. Man's sharing in this eternal law is what men have come to call the natural law. Revelation would make this doctrine very clear to us but

we need merely point out that the Ten Commandments are the classic and greatest example of the precepts of the natural law put into a readable and evident listing. The Decalogue embraces only one virtue, the virtue of justice. Justice is the cardinal virtue regulating man's relations with others.

Man could have discovered all ten of the precepts, without the particular of Sabbath worship, but he would have taken quite some time to express them so well, if indeed he ever would have. The history of the human race betrays how much trouble he has in keeping them well. Looking quickly over the Commandments, we note that the first three concern the virtue of religion, which is attached to justice, and deals with man's duties toward God. The pagans, unlike the Israelites, worshiped many gods. The realization of the One God was the special prerogative of the Jewish people. Without this revelation, man would have wandered on for many centuries having only very crude and mainly erroneous notions about God.

The Fourth Commandment concerns piety, as well as obedience toward one's parents, a very evident fact of nature. The remaining Commandments regulate man's duties toward others and express what every man, even those who have never heard of the Ten Commandments, knows. Only corruption of man's nature can root out these precepts of the Ten Commandments.

In our definition of the natural law we said that man follows his inclinations only insofar as they lead him to his proper good. When man pursues even a natural inclination beyond its purpose, he corrupts. Also as man recedes more and more from these primary commandments of the natural law, he begins to fumble around concerning the goodness or malice of some of his actions.

This helps to explain why we find advocates of mercy killing, "planned parenthood" groups, zealous promoters of broader divorce laws, as well as the chronic, chaotic condition over segregation. How can men become so confused? Not everyone who practices birth control is morally corrupt. Apparently sincere and intelligent men introduced bills to legalize euthanasia both in the United States, as in Nebraska and New York, and in the British Parliament. As far as divorce is concerned, not a few men in public office have remarried and their reputations have not suffered noticeably. This would indicate at least a tolerant

attitude by the people in general toward the practice. Race segregation, of course, is in a class by itself to be treated later.

The Law and mercy killing

For the moment, mercy killing is not too paramount an issue. Hitler's Germany gave enough evidence to discourage many of its advocates in other parts of the world. Also, as recent as 1950 the World Medical Association recommended that their affiliated groups condemn the practice of euthanasia. Indeed, in the 1948 Declaration of Geneva of the World Medical Association we read: "The health of my patient will be my first consideration"⁴

However, tides change and the old sentimental arguments may well be pulled out again which argue for and defend the practice of mercy killing. Some arguments look right into the mind of God by telling us that God does not want people to suffer needlessly. Others look at some unfortunate who seems hardly to be human and ask how keeping such a person alive makes sense. Also the patient himself might request that he be removed from his misery. In any case, the basic argument is that to take the individual's life is the merciful, humane thing to do.

Man's error in sponsoring legislation for mercy killing lies in his confusion of one's private good over the common good. To take the life of this particular man might seem a good in itself. Yet, in reality the decision cannot be isolated in that way. Doctors and nurses, as well as clergymen, are very aware of the fact that a person can be close to death and then rally and live. Medical science is never so accurate that it can predict infallibly that a patient will die within so many hours. Even when the prediction can be quite precise, the doctor still struggles to save the life. Any other procedure would in the end be destructive of medicine itself. Unless doctors could work on sick people, no progress in the science would be possible. Also, we must not overlook the terrific psychological block that would arise were the patient and doctor to know that not health but death might be the object of medication.

Aside from these considerations, we are faced with the very first principle within man which is to self-preservation. Man must always act in keeping with his nature. Disease is contrary to his nature and medical

science has the task of removing this defect from man's body. Nevertheless, man's body is by its very nature doomed to die. This follows from the fact that man's body is composed of contraries, which, when the perfect balance is disturbed, will lead to death either through sickness or simply old age.

However, man is not only body. His soul, which is immortal, is the principle of the life which the body enjoys and would, were it possible, preserve the body perpetually in existence. Hence, from his soul man gets his will to live even when the body is fast corrupting. Just so long as the body is capable of supporting life, man desires to live. We have already pointed out how man tries to cling to this earthly existence. We see then how natural it is for man to want to live and in spite of his cries of pain or even for death to bring him relief, he still follows the natural inclination which demands that he live. To induce death artificially before his time would be contrary to nature and therefore a violation of the natural law's dictum: Thou shalt not kill.

We have already mentioned that man as an individual is not to ignore the common good. Even though a man may suffer greatly from a disease, medical science has a right for the common good to work upon this individual and in this way promote cures or relief for subsequent cases. Further, we must not ignore the acts of mercy made possible for nurses or friends through the sick. The most noble characteristics of the human race are very frequently manifested around the bed of the sick and dying. Finally the person himself can attain a degree of grandeur by accepting his suffering in patience. Mercy killing would eliminate all of these goods which belong to the community.

So contrary is mercy killing to the natural law that the mere formulation of a civil law to make euthanasia legal would be a lawyer's nightmare. Probably the quickest way to silence an advocate of mercy killing is to have him draw up such a law. The dangers that could result from any expression of such a law would be so great that the foundations of society would be shaken. Who would decide on the killing? The sick person or the doctor or perhaps the family of the sick person? Would there be any investigation prior to the killing lest there be danger of foul play? What of defective children? How defective? At what age? Who would decide? Both parents? Only one? What if the sick person lapsed into a coma before any decision were reached? And on and on! When we act contrary to nature we make things so utterly and ridiculously complex that

⁴ Quoted in McFadden: *Medical Ethics* F.A. Davis, Philadelphia, p. 481

only the most naïve or vicious can fail to see that a basic error is at play.

The Law and divorce

While mercy killing is not quite the fashions these days, champions for divorce or defenders of this legal dissolution of marriage are plentiful. The whole thing sounds so reasonable. A couple finds themselves unhappily married. They agree to part and leave each other free to marry again. On the surface, this solution seems extremely reasonable and sensible. Both parties can start again. Two lives that might have been ruined can be rescued. Yet, modern results show that making the exception of one case or a few soon leads to an abuse which is intolerable, so that divorce with remarriage becomes nothing other than legalized adultery.

To complicate the matter further, where there is an offspring, then this child is deprived of what nature intended for him, namely, the care and affection of a mother and father. Some will immediately object that nature sometimes takes one or both parents through untimely deaths. We reply that this is the exception. Whenever we deal with nature we must operate on what she does for the most part, not on her exceptions. Anyway, no one will deny that the loss by death of a parent or both works a great hardship on the child. Consequently, to create the same type of situation through divorce is to be deliberately cruel.

Turning expressly to the natural law we can prove the indissolubility of marriage first from the natural desire of the couple to know their offspring. The child is not exclusive to one parent but the product of each and belongs to each. An infant is something of themselves and it would be unnatural for either to lack interest in something that is so personal. To abandon the infant would be criminal and a violation of a very obvious precept of the natural law which forbids killing even when done indirectly as in the case of abandoning an infant.

Further, the couple are responsible for the education of the offspring. The child is their responsibility until capable of self-support. Generally that would not be before eighteen years had passed because the youngster must give himself to study during this period and be allowed to mature. Failure of parents to guide and protect their offspring during these years would normally result in juvenile delinquency.

From the point of view of the woman, marriage must be permanent. What attracts a man to a woman is her beauty, youth, and her capacity to bear children. After a woman loses these qualities through increase in age, she is less likely to win a husband. Yet, it would be contrary to the nature of things for a man to leave his companion after she has given her own best years to him.

One can object to all this on the grounds that the couple might break up by mutual agreement. Even when this does happen nothing which pertains to the true nature of marriage is altered. Their action is contrary to the purpose of marriage and merely indicates a mutual disregard for the state of matrimony. The marriage vow itself puts only death as the time limit to the union. Any other arrangement would make the marriage such a tentative affair as to leave both parties without any grounds for trust in each other. The nature of love is to love wholly with nothing less than an eternal love as possible to express the deep feelings for each other. This is from the very nature of things and to act contrary to this is to violate the natural law. All other considerations such as not having children, a cooling of love between the husband and wife, attachments by both to new lovers, incompatibilities other than those directly opposed to marriage, or any other reason that might be offered are accidental to the essential character of marriage and therefore not sufficient for breaking the bond and allowing remarriage.⁵

The Law and birth control

Another problem facing modern man is birth control. So universal is the acceptance of birth control as a legitimate solution to overpopulation in the world, as well as on a minor scale within the family circle, that many people cannot understand the position of the Catholic Church and her contention that birth control is against the natural law.

By birth control we mean the prevention of conception by means of interrupted intercourse, by use of contraceptives, by vaginal douches, or even through artificial sterilization. In order to show that such practices are contrary to the natural law we must consider the nature of the organs involved and that

⁵ St. Thomas Aquinas: *On the Truth of the Catholic Faith* Image Book, Doubleday, Garden City, N.Y., Book three, Part two, Chapters 122-124.

accidental quality of pleasure which makes their use so attractive.

The sexual equipment of the male and female is complementary insofar as the generation of offspring is concerned. Each sex left alone could not bring forth an offspring. Nevertheless, each sex can create the sensation of the pleasure attached to intercourse even when alone. Such an action is almost universally called self-abuse. Nor is this a poor description. Unless the person is morally naïve, he will feel a sense of shame when he commits the act.

Therefore, the sex organs for reproduction should not be used except between the male and female with the object of bringing forth an offspring. Such is the very nature of the act. However, there is pleasure attached and the question is asked whether a married couple might perform the act for this purpose alone and exclude at the same time the possibility of offspring. At first we might see no objection. Maybe the couple has a good size family already or perhaps another child, says the doctor, will result in the death of the mother in child-birth.

Our solution to this problem must be based on the natural purpose of things in preference to any other consideration. Intercourse is by its very nature a social act and it has social consequences. The couple is not free to say that this act is exclusively their business. Marriage is a social institution which is responsible for keeping the human race in existence. That is its primary purpose and from that primary purpose we must make our judgment of birth control on the terms of the natural law.

By its very nature, the act of intercourse is ordained to conception of new life. Nature herself provides for the period of conception by making the woman fertile only during certain times each month. Hence we see there is a natural birth control. In some instances the couple never has offspring but that will be the exception and we must insist that we judge the natural law in what happens for the most part, not by the exceptions.

The very term "contraception" is indicative that birth control is against or contrary to the nature of things since it frustrates the whole objective of the act of intercourse. Although the arguments from poverty, overpopulation, and the danger to the life of the mother are not to be set aside without solution, the answer does not lie in artificial birth control. One who

reads the arguments for such birth control sees that these actually attempt to prove that birth control does act in harmony with nature, that is, gives us a better offspring and thus conforms to the primary purpose of marriage. There is no such evidence. Couples with many children and those with one or two are often blessed with strong, healthy youngsters. On the other hand, sickly children can come in large quantities as well as singly. The physical well-being of the offspring seems to depend more on other factors than numbers to be accounted for.

If we accept the purpose of the sex urge as set forth above and see that nature puts it in man for the generation of offspring, we do not see how any extrinsic arguments can change the nature of things. Moreover we are faced with the ugly fact that artificial birth control is nothing less than mutual self-abuse. Once a person realizes that, only depravity of nature or fear of reality could make him ignore the shame attached to such action.

To solve his family, social, and health problems, man can either abstain from intercourse entirely or, through medical help, he can make use of what is called, "Rhythm." Since marriage is a two-way street, both members must agree either to continence or to the use of rhythm before either method could be adopted. Each party, under normal conditions, has the right to request the act proper to marriage.

Rhythm is sometimes called natural birth control. The couple using this method enjoys the rights of matrimony only on those days when, according to medical determination, the woman is not fertile. In this way the couple hopes to avoid having another child. Recent medical findings make this method quite accurate although nothing can prevent entirely the possibility of a "rhythm baby." Provide sufficient reasons are present, rhythm may be used. Thus, extreme poverty, danger to the life of the mother, or some pressing psychological reason may be advanced as valid reasons for employing rhythm. For the most part, however, it is more prudent not to use it since a husband and wife do not make love by the calendar.

Unlike the birth control contrary to nature, rhythm allows the couple to perform the marriage act perfectly. All rhythm does it avail itself of nature's cycle in fertility and non-fertility. Man's use of this information is truly in keeping with his reason since the whole method is in harmony with nature. Abuse would arise if rhythm were

used so extensively as to rule out any possibility of offspring because then it would defeat the natural purpose of marriage.

The Law and abortions

Under this same heading we can add a few lines on so-called therapeutic abortions. A false theory once existed in the modern mind that the Church taught that in case of danger of death to the mother and/or child, the life of the child received preference. Pope Pius XII settled any doubts in his address of November 26, 1951:

Never and in no case has the Church taught that the life of the child must be preferred to that of the mother. It is erroneous to put the question with this alternative: either the life of the child or that of the mother. No, neither the life of the mother nor that of the child can be subjected to an act of direct suppression. In the one case as in the other, there can be but one obligation: to make every effort to save the lives of both....⁶

Such teaching is in complete agreement with the precepts of the natural law. From the law of self-preservation the child, even though only in fetus form, strives for existence. Nor can the fetus be treated as plant or animal life, which it is not anyway, because the fetus is to be human life and the precept against killing applies. Again we follow the nature of things. Should the birth of the child actually result in the death of the mother then we can only attribute this to some defect in the natural process. But such exceptions do not justify violating the precepts of the natural law. To make exceptions, as with divorce, is to open the door for every kind of abortion which, as a matter of fact, not even civil governments permit though allowing so-called therapeutic abortions. Although the whole problem of the life of mother and/or child is extremely important, the moral issues are too complicated for a full discussion. The reader can normally answer objections simply by referring to the natural law and insisting that the course of nature must be observed when her precepts are involved. Our question is moral

not physical, a point which often eludes defenders of unnatural birth control and abortion.

The Law and segregation

Finally we might point out that the problem of segregation has a relation to the natural law. By now it should be evident that justice is the key virtue of the natural law. Any solution to the issue of segregation must be based on justice. Nature herself makes no distinction among men as regards their basic rights. All men have the rights to life, liberty, and the pursuit of happiness. Consequently, any legislation in the human civil law which impairs these rights is contrary to the natural law.

From the point of view of the State, each man has a right to his due. By distributive justice, the State provides certain benefits for her citizens. Unless a citizen is guilty of a crime, he cannot in justice be denied these benefits. In their statement of 1958, *Discrimination and the Christian Conscience*, the Bishops of the United States very clearly proved that segregation violates justice and hence the natural law.

In the first place, enforced segregation puts the stamp of inferiority on the people set aside. Secondly, basic human rights are denied such as in the fields of education, housing, and opportunities in employment. Hence, from the side of the State toward her citizens, segregation evidently results in certain inequalities which have no foundation in nature itself.

On the person to person level, that is, in the order of commutative justice, the natural law demands that debts be paid on their objective value and not on the race of the person owed. No end of injustices would result if color became the measure for paying one's debts or fulfilling obligations. Once again looking to the nature of things, we discover a unity within the human family. Man has a common origin and a common destiny. All men are endowed with certain rights by nature. Accidental differences do not alter or lessen these rights. Arguing from the natural law we come to the conclusion that co-operation among all peoples should be natural and all oppression and curtailment of rights should be outlawed.

⁶ Pope Pius XII: *To the National Congress of the "Family Front" and the Association of Large Families.*

The Law: a summation

In this study we have tried to demonstrate from reason alone the existence of the natural law. Each man can judge these matters for himself. It could not be otherwise since the natural law is in harmony with the very nature of man. All things that man sees as conforming to his nature, he naturally apprehends as good and he seeks them. Everything contrary to his nature, man sees as evil and to be avoided.

From the fact that the good is what all desire, man discovers the first principle of all moral actions: Good is to be done; evil must be avoided. From a study of himself and nature, man determines what is really good and what is evil. In many instances, man's knowledge is almost instinctive, but in some cases he needs considerable thought, and in matters of detail he might need consultation before he will determine the proper path to follow.

Before concluding our study of the natural law, we should like to add some notions from Revelation and theology in order to complete our picture of law in general and the natural law in particular. With St. Thomas Aquinas we define law as "an ordinance of reason for the common good, made by him who has care of the community, and promulgated."⁷ The natural law fulfills the terms of that definition.

Man realizes that he himself did not make the natural law but he merely discovered it. The natural law was placed in man by the Creator of nature. God, who has care of all good, promulgated His law for man by the simple act of making man in the way He did. Once we admit the role of God in the natural law we see at once how perfectly the natural law falls into the definition of St. Thomas on law. God's rule for creatures is the eternal law, but man's participation in that law is called the natural law. Thanks to Revelation we know that God has raised man to the supernatural level and as a result man's true end is God. Since God has placed man through grace on a supernatural plane, there exists another law of great importance for him and this is the divine law. By the divine law man is directed to his higher end, one above nature. This law is revealed to him and contained in oral and written tradition.

⁷ St. Thomas Aquinas: *The Summa Theologica* Benziger Brothers, New York. English Edition. Volume I, p. 995b, I-II, q. 90, a. 4. The student would profit much from a reading of the tract on Law as set forth in the *Summa*.

Although God is the Supreme Lawgiver, He does not deny man some role in law-making. When man takes the natural law and specifies it for some special aspect, we have human law or positive law or simply civil law. In order to protect life, which is required by the law of self-preservation, man makes traffic laws. When man takes the divine law and does a similar thing we have church law or canon law or positive divine law. Rules on fasting and abstinence illustrate this adaption made by man. Thus we see that a whole system of law is constructed by man both from the natural law within him and the divine law revealed to him.

Law is God's way of instructing man, His creature, how to act, to live, and to die. Through the natural law man learns the meaning of life and the purpose of his existence. From the divine law man sees the infinite generosity of God. In order to attain the holiness which God intends for him, man must obey the natural law at all times because grace, the principle of action for the divine law, perfects nature and does not destroy it. For those who obey the natural law, the grace of God will most certainly be available to lift them to that higher supernatural life which ends in the happiness of the Vision of God.

Appendix

Several reasons can be advanced for the tendency in much contemporary writing, especially in magazine articles and newspaper reports from religious conventions, to put the words natural law between quotation marks. One purpose is to indicate that natural law is being used in a special way, distinguished for instance, against physical law.

A second and more significant reason is to imply that the natural law is nothing more than a convenient expression for something which does not really exist. The quotes are meant to convey to the reader that the writer or speaker does not admit such an entity as the natural law, but he is yielding to the popular misconception that such a thing does exist.

Historically, few concepts can find more consistent support for its reality than that of natural law. We are not surprised to find indications of it in the Bible. One has merely to read the account of Cain and Abel to see how deeply rooted the natural law is in antiquity. We have already pointed out that the Ten Commandments sum up the fundamental precepts of nature. Much later

we read in Saint Paul: “When the Gentiles who have no law do by nature what the Law prescribes, these having no law are a law unto themselves. They show the work of the Law written in their hearts.”⁸

The ethical and political philosophies of Plato and Aristotle are both predicated on the existence of the natural law. Aristotle’s treatment can be found in the fifth chapter of his “*Nichomachean Ethics*” where he considers the virtue of justice. Both Plato and Aristotle more or less take for granted the existence of the natural law and offer no extensive proof to establish it.

Few people have been so legal-minded as the Romans. Cicero expounded the truth of the natural law.⁹ From his time to the 18th century we find scarcely a thinker of any note who does not admit the existence of the natural law. Merely to list them would make quite a litany of names. Rather than do that we shall quote a man who, on first hearing, might seem a most unlikely defender of the natural law. Benedict Spinoza writes as follows on the subject: “Again, since virtue means nothing but acting according to the laws of our own nature, and since no one endeavors to preserve his being except in accordance with the laws of his own nature, it follows: Firstly, that the foundation of virtue is that endeavor itself to preserve our own being, and that happiness consists in this—that a man can preserve his own being... Thirdly, it follows that all persons who kill themselves are impotent in mind, and have been thoroughly overcome by external causes opposed to their nature.”¹⁰

Later thinkers such as Kant and Comte would change some of the notions. Much of this was the work of Newton but quite outside his intentions.¹¹ Contemporary philosophy is less partial to the reality of natural law, but much modern philosophy is important only because it is contemporary.

⁸ St. Paul’s Epistle to the *Romans*, c. 2, vv. 14 and 15.

⁹ Rader, Melvin: *The Enduring Questions* Holt, New York, pp. 364-376

¹⁰ *The Philosophy of Spinoza* The Modern Library, New York, pp. 266-7; see also p. 297.

¹¹ See Neill, Thomas Patrick: *Makers of the Modern Mind* Bruce, Milwaukee, pp. 132 ffg.