Life presents us almost daily with complicated situations demanding decisions for the best overall treatment of this particular person. For example: a woman in her mid 80’s presents with severe gynaecological cancer, operable to a point for palliation. On what basis do you make a judgement whether to operate and/or give chemotherapy or radiation, knowing that you have the ability to her extend life, but with severe side effects? When do you offer only palliative care with reasonable health for a shorter period, or extended lower quality of life from the effects of the operation or chemo over a long period? How do you come to a decision?

After World War II, when the Allied nations were establishing what became known as The Nuremberg trials in an attempt to redress the barbarity of war and bring to justice those who were considered war criminals, the question was debated: On what ethical and legal basis could so-called ‘crimes against humanity’ be judged and punished? The legal basis accepted for indicting crimes against humanity at Nuremberg and elsewhere as those words imply is what is known a Natural Law ethic.

Closer to our own time we can ask: What is the rationale for going to war, e.g., in Iraq, or Afghanistan? Is it to promote respect for life, or to secure more oil, to gain territory, or for revenge, or for the common good, e.g., to bring ‘democracy’ to an autocratic rule? What underlying principle do we use to justify the goal?

A brief look at the origin and history of this term will help us understand its meaning and the validity of such an approach to ethical problems. Importantly, when we use this term ‘natural law’ we need to note that we are using metaphorical language, for we are not speaking strictly of either ‘nature’ or ‘law’. We need to understand that the term natural law is an abstraction from the total reality, which is man or woman (and the physical world) as understood here and now.
Origin of the approach
Practically speaking, the theory came from the Stoics, a philosophic group around the time of Julius Caesar and into the early Christian era, though its foundations can be discovered in the writings of the ancient Greek philosophers, Aristotle and Plato. It was also utilised by the important Jewish philosopher, Philo. The famous Roman lawyer, Ulpian, applied the theory more universally to the treatment of animals as well as humans.

An over-simplified interpretation of the theory in its beginnings would say that nature is our guide and law-giver: what is natural is good; that which deviates from the natural is bad. Confer our loose use of the term with regard to ‘natural foods, natural medicines’, meaning that what is natural is good or better for you than the artificially produced product.

In a more sophisticated sense Christian writers like St Paul held that the naturally good is known instinctively to the whole human race. The Creator made us in a certain way and we can discern the plan of creation. [Rom 1:20; 2:12-15]

Development of the theory
Clearly, the first question would be: how do we know what is natural, besides what is externally evident in nature? The Roman philosopher and lawyer, Cicero, who explained the Stoic concept wrote: “reason is present to everyone, which presides over and gives laws to all: which, by improving itself and making advances, becomes perfect virtue.”¹

The operative word is ‘reason’ by which we discern what is basic to human existence and is universally applicable. Roman citizens considered themselves fortunate to have good laws worked out in detail for them. (Cicero got into trouble for questioning this position). We follow many of the principles of Roman Law today. For non-Roman citizens the Romans spoke of a natural law applicable to all others, that is, those who did not come under Roman positive law or legal system. In other words, non-Romans must be guided and ruled by what is natural for them according to reason.
The Scholastic philosophers and theologians of the high middle ages also stressed the role of reason, thus avoiding a purely naturalistic approach to ethics or morals. Natural law was not something self-evident for them, but was the result of a reasoned approach to the nature of the human person (understood as created in God’s image and destined to become more conformable to that image). In the scholastic understanding the human being is able to discover the basic tenets of natural law because of a participation in the eternal wisdom of the Creator. They reasoned to natural law from the evidence of nature and human experience, and also the evidence of what, today, we would call the social or behavioural sciences. (‘We hold these truths as self-evident…’ says the U.S. Constitution).

Later, from the 18th Century with the development of the natural sciences in the strict sense there was a return to a greater emphasis on the physical laws of nature so that we find civil laws enacted punishing ‘unnatural sex’ and homosexuality. In this naturalistic vein, for example, a lie was defined as false speech; that is, words which contradicted the facts. Today, many moralists would define a lie not simply in a physical sense as false speech, but as false speech which injures another’s right to the truth. Closer to our day, there are those who promote evolutionary and genetic determinism, denying the absolute or unchanging quality of natural law along with its universal application. They consider evolution and genomics as eliminating the natural law approach. However, such arguments misunderstand the real meaning of natural law (which is itself evolving as our understanding of the human person develops); they overemphasise the physical facet.

**Contemporary and Christian perspectives**

The application of a natural law theory developed as we gradually understood the human person better, especially through the growth of the social sciences and psychology. We have now realised more clearly that some of our practices ought to change if we are to act in accord with the more comprehensive appreciation of the nature of the human person. Examples of such formerly accepted practices are: slavery, the domination of women and lack of equality, abuse of and use of children in the workforce, bastardising of police and army recruits, inadequate care for the poor and aged, forced colonization of weaker peoples, crimes against humanity. We react in face of the absolute authority that some of the powerful accrue to themselves, the paternalistic
attitude of some very rich and professional people, and the
upholding of class distinctions as an affront to human dignity.

Most nations subscribe in theory to the United Nations Universal
Declaration of Human Rights promulgated more than fifty years
ago, whereby we acknowledge that all people are born equal with
basic rights to life and freedom (Art.1), and imply that fundamental
respect for the dignity of the human person is the foundation of a
well-ordered society which acknowledges justice for all.

The same Universal Declaration of Human Rights evidences
common agreement on the point that human dignity is inherent in
every member of the human family, and is not given to the person
by society. The Preamble to the Declaration puts it clearly:
“[R]ecognition of the inherent dignity and of the equal and
inalienable rights of all members of the human family is the
foundation of freedom, justice and peace in the world.” We could
say that this is a statement based on a reasoned understanding of
the nature of the human person integrally considered. “A right way
of acting is not ethically obligatory or legitimate simply because it is
‘natural’, in the scientific sense, as ‘evolved’ or ‘genetically based’;
but it is obligatory because it accords with what is good for human
beings, considered comprehensively. The obligatory character of
morality – the ‘law’ - binds the person to moral standards that
promote the well-being, or flourishing, of the person and his or her
community.”

It is not always easy to recognise in particular circumstances what
will genuinely promote human well-being and flourishing. There will
be complicated situations and dilemmas to face. One who seeks
to do good and avoid evil in a particular case will need a wisdom
and reflection based on experience and guided by the virtue of
prudence.

Another example of the use of a contemporary natural law
approach, though more directly concerned with the physically
natural, yet with human wellbeing as its ultimate goal, is today’s
emphasis on the environment. We are becoming more aware that
we must respect nature and its internal norms if we are to survive
on this planet. What is nature telling us through climate change
and the warming of the atmosphere: drought, landslides from
denuded forests, creeping deserts from over-irrigated land, etc?
Equally, we must respect the internal laws of the body if we are to remain healthy and heal unhealthy people.

Our civil laws recognise natural rights to free assembly, to marry, to freedom of conscience. The abolition of slavery was based on the gradual recognition of the basic dignity of the human person not to be under the absolute control of another, not to be bought and sold like a chattel.

We rightly condemn crimes against humanity, which is another way of saying those acts which defile the very nature of the human person. So, too, we condemn the abuse of children as something unnatural not only by reason of the physical insult to their bodies but in particular because of the ongoing damage it causes to their human person integrally considered. We employ crisis counselling to prevent or repair damage to the person after physical accidents and natural disasters.

A natural law theory understood in this way offers a sound basis for judging the morality or ethics of human activity.

Does natural law understood in this way tend to make moral decisions more relative, principles less universal? The basic principles will always remain, such as respect for human life and human dignity. However, new information as to what being fully human implies, or what enhances human dignity, may lead us to reconsider certain accepted practices such as slavery or capital punishment or ‘slave wages’ as contrary to the nature of the human person.\textsuperscript{4}

It seems to me that the natural law approach to ethics would demand a consistent ethic of life whether person is powerful or impotent, self-sufficient or dependent. Respect for the person, the importance of life even though diminished, should be the same for premature babies, for the sick and aged, as for other members of the human family. The effects of a more materialistic and utilitarian approach leaves the infant in the womb (\textit{infans} – ‘can't speak’) which can’t argue for its life vulnerable to the power and perhaps convenience of others. [Julian Savulescu compared the ethics for the treatment of premature infants to foetuses, which we readily abort.\textsuperscript{5}] Some ideologies which discountenance an ethic based on the nature of the person, including terrorism, communism, ethnic
cleansing wars, or religious wars, go on to treat persons as means to an end.

[Other areas which seem to be based on a natural law approach are the determination of natural rights (the basis for a *Bill of Rights*); some European and African legal systems; workplace laws; right to work, to emigrate, to asylum; (‘We hold these truths as self-evident…’ says the U.S. Constitution); the homosexuality question and the marriage of gays.]

Conclusion: It seems to me that a contemporary theory of natural law means that we always act in such a way as to respect the human person integrally considered.

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1 (Tusculan disputations, ii, 21).
2 The Encyclical *Veritatis Splendor* of John Paul II (on the fundamental principles of moral theology) in no. 79 speaks of the content of the natural law as the complex of personal goods which serve the good of the person, the good which is the person her/himself and her/his perfection.

The Vatican Instruction, *Donum Vitae*, on respect for human life, stresses the same principle of respect for the dignity of the person and his or her integral vocation when making decisions about human life. It states: “Physical life, with which the course of human life in the world begins, certainly does not itself contain the whole of a person’s value, nor does it represent the supreme good of man who is called to eternal life.”

Pope John Paul II reiterated the emphasis on the person in regard to marriage and procreation when he said: “Clearly when one speaks of “natural” regulation, respect for the biological rhythm alone is not what is meant. In a much more complete way, it entails upholding the truth of the person’s profound unity of spirit, psyche and body, a unity that can never be reduced to a simple set of biological mechanisms. It is only in the context of complete and limitless reciprocal love by the married couple that the act of procreation, on which the future of humanity itself depends, can be carried out in all its dignity.” “Respecting the person and God’s design for procreation,” (Address to an international convention on natural birth regulation) in L’Osservatore Romano, Feb. 11, 2004, p 4. See also, *The Constitution on the Church in the Modern World* of Vatican II, Chapters 1-3.


3 See Benedict XVI, Address to the Congregation for the Doctrine of the Faith, 10 Feb. 2006: “The Church welcomes with joy the authentic breakthroughs of human knowledge and recognizes that evangelization also demands a proper grasp of the horizons and challenges that modern knowledge is unfolding. In fact, the great progress of scientific knowledge that we saw during the last century has helped us understand the mystery of creation better and has profoundly marked the awareness of all peoples… Consequently, every study that aims to deepen the knowledge of the truths discovered by reason is vitally important, in the certainty that thee is no ‘competition of any kind between reason and faith’ (*Fides et Ratio*, n. 17).”

5 Colloquium on neonatal intensive care held at the Mercy Hospital for Women, 2006.