

Natural Law and Divine Command

Prof. Dan Flores
Dept. of Philosophy
Houston Community College
daniel.flores1@hccs.edu

NATURAL LAW

(A few assumptions)

- Assume there is no god
- Assume that nature is all there is
- Assume that nature is a certain way and is so regularly
- Further:
 - "What is natural is good"
 - "Synthetics are not as good as what is found in nature"
 - And so on ...

ARGUMENT FOR WRONGNESS FROM THE VIOLATION OF NATURE

- What would be a natural conclusion given what has been said about nature thus far?
 1. The way things are on a regular basis (i.e., nature) are good.
 2. Nature is good because things happen on a regular basis
 3. This is the way things are supposed to be (otherwise, things would be different, right?).

- 4. Therefore, anything that violates nature is bad.

CONCEPTUAL DIFFICULTIES

1. Whatever is natural is good
 - “normal” births, “abnormal” births, etc. ...
 - all are regular tendencies in nature
 - from an evolutionary perspective, humans are the way they are precisely because of mutagenesis.
2. If what is natural is good, and to interrupt nature is bad, then
 - to receive flu vaccinations is bad
 - to lift weights is bad
 - to take vitamins is bad
 - to take ibuprofen for a headache is bad
 - to use deodorant is bad.
3. But don't we really believe that all of these things are good? And not just good, but good in the sense that human society would be worse off without them?

MITIGATING CONFLICTS

The Doctrine of Double Effect

- Considering actions that have both good and bad effects, then an action is morally permissible if:
 1. The action is inherently either morally good or morally neutral.
 2. The bad effect is not used to produce the good effect.
 3. The intention must always be to bring about the good effect.
 4. The good effect must be at least as important as the bad effect.

PROBLEMS

1. The absoluteness of DDE, Criterion 1.

2. Is nature really teleological?

- The **Naturalistic Fallacy**: Nature might be a certain way. But to assume that just because something *is* a certain way, does not mean that that's the way things *should be*.
- Is there a sense in which the world is "random" and purposeless?
- In what way do moral facts come from observable nature?

3. How are we to determine the value of, or in, nature?

"The net of science covers the empirical universe: what is it made of (fact) and why does it work this way (theory). The net of religion extends over questions of moral meaning and value. These two magisteria do not overlap, nor do they encompass all inquiry (consider, for starters, the magisterium of art and the meaning of beauty)."

- Gould, S. J. (1997). "Nonoverlapping Magisteria." *Natural History* 106 (March): 16–22.

HISTORICAL ANTECEDENTS

4. Throughout history many different people have said many different things regarding the 'nature' of man ...

- "Thus I learned to covet, dissemble, lie, and, at length, to steal, a propensity I never felt the least idea of before, though since that time I have never been able entirely to divest myself of it." (Rousseau *The Confessions* 1782)
- "In such a condition [of nature] there is no place for industry, because the fruit thereof is uncertain, and consequently, not culture of the earth, nor navigation, nor the use of commodities that may be imported by sea, no commodious building, no instruments of moving and removing such things as require much force, no knowledge of the face of the earth, no account of time, no arts, no letters, no society, and which is worst of all, continual fear and danger of violent death, and the life of man, solitary, poor, nasty, brutish, and short." (Hobbes, *Leviathan*, XIII.9)
- "The First man was not only created good, but was also established in friendship with his Creator and in harmony with himself and with the creation around him ..." (CCC, 373) & "God is infinitely good and all his works are good. Yet no one can escape the experience of suffering or the evils in nature which seem to be linked to the limitations proper to creatures ..." (CCC, 385)
- Jean Piaget's "egocentrism" of the Sensorimotor (18-24 months) and Preoperational (18-24 months – 7years)
- Lawrence Kohlberg's stages: Stage 1 (Naïve Moral Realism: punishment avoidance) & State 2 (Pragmatic morality: maximization of benefit, minimization of negative consequences)

HISTORICAL ANTECEDENTS

5. The strength of the environment's influence on our behavior and cognitive capacities.
 - "Anthropology is the study of human beings as creatures of society. [...] No man ever looks at the world with pristine eyes. He sees it edited by a definite set of customs and institutions and ways of thinking. Even in his philosophical probings he cannot go behind these stereotypes; his very concepts of the true and the false will still have reference to his particular traditional customs. [...] The life-history of the individual is first and foremost an accommodation to the patterns and standards traditionally handed down in experience and behaviour. By the time he can talk, he is the little creature of his culture and by the time he is grown and able to take part in its activities, its habits are his habits, its beliefs his beliefs, its impossibilities his impossibilities. [...] There is no social problem it is more incumbent upon us to understand than this of the role of custom. Until we are intelligent as to its laws and varieties, the main complicating facts of human life must remain unintelligible." (Benedict 1934, pp. 1-2)

6. To what extent are natural laws (if they exist) within our cognitive capacities to grasp?

“Conceiving minds come in different kinds, equipped with varying powers and limitations, biases and blindspots, so that properties (or theories) may be accessible to some minds but not to others. What is closed to the mind of a rat may be open to the mind of a monkey, and what is open to us may be closed to the monkey. [...] Different species are capable of perceiving different properties of the world, and no species can perceive every property things may instantiate ...” (McGinn 1989)

- Unaided by technology, you would never know that there is an ultraviolet spectrum, or that bats use echolocation. There are some things we are just closed to. To what extent can we really know nature?

HISTORICAL ANTECEDENTS

- It has long been the case that women were seen to be - by nature - unreasonable.

“Having tied the formation of the superego or conscience to castration anxiety, Freud considered women to be deprived by nature of the impetus for a clear-cut Oedipal resolution.

Consequently, women’s superego – the heir to the Oedipus complex – was compromised: it was never “so inexorable, so impersonal, so independent of its emotional origins as we require it to be in men.”

From this observation of difference, that “for women the level of what is ethically normal is different from what it is in men,” Freud concluded that women “show less sense of justice than men, that they are less ready to submit to the great exigencies of life, that they are more often influenced in their judgments by feelings of affection and hostility” (Gilligan 1982, p. 7)

HISTORICAL ANTECEDENTS

- "The earliest education is most important and it undoubtedly is woman's work. If the author of nature had meant to assign it to men he would have given them milk to feed the child. Address your treatises on education to the women, for not only are they able to watch over it more closely than men, not only is their influence always predominant in education, its success concerns them more nearly, for most widows are at the mercy of their children, who show them very plainly whether their education was good or bad."

- Rousseau, Jean-Jacques and Barbara Foxley (Translator).
Emile: Or, On Education. 1762.

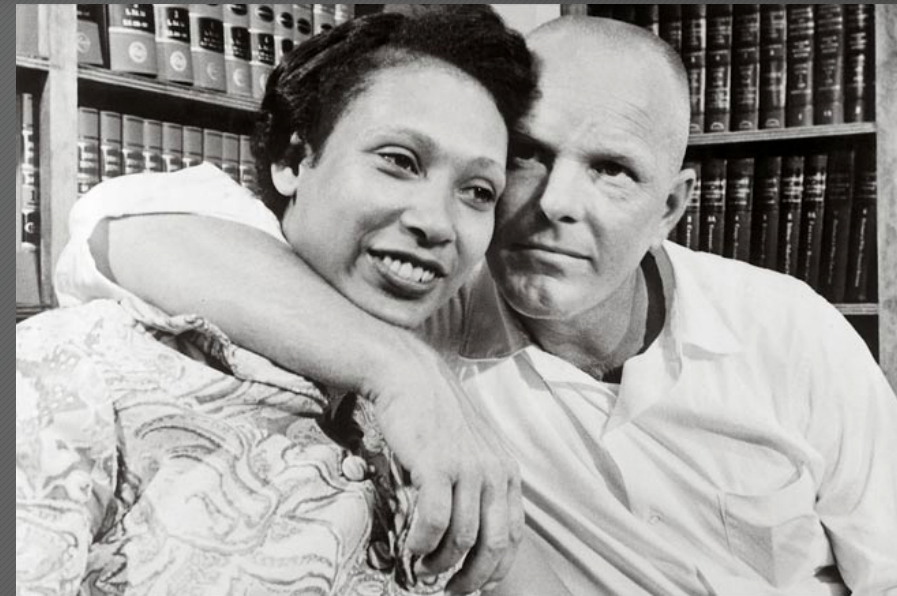
HISTORICAL ANTECEDENTS

Nature showed us that Blacks and American Indians were savages (not full people):

“The educated world of Europe and America practically settles a standard by simply placing its own nations at one end of the social series and savage tribes at the other, arranging the rest of mankind between these limits according as they correspond more closely to savage or to cultured life.” (E. Taylor, 1871)

- Tylor suggested that the principal criteria for classifying societies (as savage, cultured, or somewhere in between) are the absence or presence ... of the industrial arts ... and the extent of scientific knowledge, the definiteness of moral principles, the conditions of religious belief and ceremony, the degree of social and political organization, and so forth. (Flores, 2006)

HISTORICAL ANTECEDENTS



Mildred Jeter and Richard Loving

"Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix."

- Leon M. Bazile
Loving v. Virginia, 1967: 388
U.S. 1

HISTORICAL ANTECEDENTS

"That which makes something right or wrong is the objective moral order established by God, which can also be grasped and appreciated *through the use of human reason*. In philosophy, this is known as natural law."

- Fr. Michael Rodriguez, 2009

"Every Catholic must oppose certain things"



DIVINE COMMAND

- As it turns out, the idea of natural laws is an offshoot of what is known as Divine Command Theory.
- Divine Command states that *whatever god commands is good, and what god commands is bad is bad.*
 - In other words, if god approves of some action, then that action is sanctioned by god and is therefore good and the opposite for what god disapproves of

- So, one line of reasoning is that nature and the things in nature are good because that is the way that god wanted it.
- Thus to violate nature is simply to violate god's will ... and that is bad.

CONCEPTUAL PROBLEMS WITH DIVINE COMMAND

- Why does god love the things that god loves?
- **The Euthyphro Dilemma:** *does god love something because it is good, or is something good because god loves it?*
 - one possible answer is to stick to the claim that it is god's loving something that makes it good
 - another possible answers is to say that god loves things because they are good.
- But notice:
 1. In the first case, then, what ever god loved would be good ... giving to charity, praying, murder, rape, etc ...
 2. In the second case, if it is not god's command that makes something good, then god seemingly did not create the standard "good" and would, then, be following the standard.
- Notice, further: could god *come to know* that some act is good or bad?