WHAT IS NATURAL LAW?

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WHAT IS NATURAL LAW? HUMAN PURPOSES AND NATURAL ENDS

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ETHICS IN GENERAL, and medical ethics in particular, are obviously related to human self-understanding, to what we could call philosophical and theological anthropology. Our understanding of what is ethical and unethical is connected to what we take ourselves to be. The relationship, however, is not one-sided. It is not the case that we could work out a comprehensive description or definition of human nature as a purely theoretic enterprise and then apply this knowledge to practical issues, the way we might work out some ideas in mathematics and then apply them to problems in engineering and physics.¹ Rather, the working out of the definition and description of human nature is at the same time the formulation of what we ought to be as human beings, because the good or perfected state of man, which is the issue for ethics, is what defines human being. The normative is also the definitional. We cannot describe what man is without specifying the human good, without showing what it is to be a good (and consequently “happy”) man. To want one of these dimensions without the other would be like wanting to study physiology, whether human or simply animal, without mentioning health and its various contraries, such as illness, injury, and impairment.

¹ Even in mathematics, the relationship of theory and practice is not one-sided. Many innovations in mathematics arise from real problems of computation, not from abstract mathematics. The stimulus to mathematical thinking often lies in real-world questions.
But human nature is more complicated than physiology. There are few disagreements about what constitutes health and sickness, but there are many opinions about what constitutes human excellence. As Aristotle says, we all agree on a name for human happiness, but we disagree very much on what makes it up. Still, the fact that we have at least a name in common is important; it shows that we start with some common ground in this domain. We may differ about the what of happiness, but not about the that, nor do we differ on the fact that we want and need to be happy. The reason we can argue about these differences is that they all pertain to one and the same quest and target. The just man and the hedonist might act very differently, but in some sense they are aiming at the same thing. We are all concerned not just about living but about living well, not just about life but about the good life, and this little difference, between living and living well, greatly complicates the human condition. In fact, it makes it to be the human condition. When we say that man is a rational animal, we do not just mean that he is an animal that calculates and draws inferences; we mean, more substantially, that he is an animal that is concerned about living well and not just living.

I. THE DISTINCTION BETWEEN ENDS AND PURPOSES

To explore this complexity of human beings, I wish to discuss the difference between ends and purposes. The distinction has been formulated by Francis Slade, in a striking modern recapitulation of classical philosophical ideas.

An end, a telos, belongs to a thing in itself, while a purpose arises only when there are human beings. Purposes are intentions, something we wish for and are deliberating about or acting to achieve. Ends, in contrast, are there apart from any human wishes

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and deliberations. They are what the thing is when it has reached its best state, its perfection and completion in and for itself. Ends and purposes are both goods, but goods of different ontological orders.

Purposes come into existence when human beings set out thoughtfully to do something. Purposes are wished-for satisfactions in view of which an agent deliberates and acts. A man might set various purposes for himself, such as becoming a lawyer, supporting his family, going on vacation, or giving someone a gift, and he will do various things toward achieving this purpose: he will apply to law schools, get a job, buy tickets, or go shopping. Once a man has a purpose, he articulates the various ways in which the purpose can be achieved (this "shaking out" of means toward the goal is called deliberation); he then performs the action that, as far as he can see, is the best option in the present circumstances (this selection is called choice). Thus, purposes exist "in the mind" and not in things, and they exist only because there are human beings. It would be correct but somewhat misleading to say that purposes are psychological entities, because they are more conceptual and logical than, say, moods or emotions, but it would be true to say that they are part of our thinking and that they are different from the ends found in things, which are there independently of our wishes and actions.

Ends, in contrast, do not spring into being through human foresight. They do not spring into being at all; they come about concomitantly with the things they belong to. Things might spring into being when they are generated or made or occur by accident, but ends do not arise without the thing. An end is the finished, perfected state of a thing, the thing when it is acting well as what it is. To clarify this point, we must distinguish three kinds of ends.

First, some ends are, in principle, entirely unrelated to human beings. The end of a tree is to grow, sprout leaves, nourish itself, and reproduce: to be active and successful as a tree, as an entity of this kind. The end of a zebra is to grow to maturity, nourish

4 Aristotle's analysis of wishing, deliberation, choice, and purposes is found in Nicomachean Ethics 3.1-5.
itself, reproduce, and live with other zebras. Trees and zebras function well as trees and zebras when they act this way, and we know what a tree and a zebra are when we can say what it means to act well as a thing of this kind. A zebra might break its leg or be eaten by a lion, but possibilities like these do not define what a zebra is. They are not part of what it is, its essence, which is displayed most fully not when the zebra merely exists but when the zebra is acting well.

Second, some ends belong to things that have come into being through human agency. Artifacts and institutions, things brought about by human making and agreements, have essences and ends. It is not the case that only natural substances have a telos. Consider an institution such as an art museum. Its telos is to make works of art available for public viewing, and part of this activity will be the acquisition and preservation of such works. The end of a bicycle is the transportation of individuals, and the end of a ballpoint pen is to be used in writing or drawing. In each case, the end defines what the thing is. It is interesting and important to note that even though artifacts and institutions are brought about by human beings to serve our purposes and our ends, we cannot change what they are. We might suppose that because we have made them, we could turn them into anything we wish, but they resist such manipulation; even as instrumental beings, they have their own nature or essence and ends. They inhabit a niche in the possibilities laid open in the world. We may have brought them into being, but they do not become our purposes. They retain their own ends and we have to subordinate ourselves to them.

To claim that institutions and artifacts have no definition, and that they could be changed by us at will, would mean that they could not be ruined or destroyed by us. Any change would just be a redefinition, carried out by us, who would have freely defined the thing in question in the first place. We could not really “spoil” anything, but experience shows that we can and often do.

I would like to illustrate this understanding of ends by quoting from a book review. The reviewer, Josie Appleton, describes a book based on a series of lectures given by five directors of major
museums in the United States and Great Britain. The lectures were given at Harvard in 2001-2002. Many of the speakers complained about the tendency of museums to engage in all sorts of activities unrelated to what we could call their proper end, such as "inviting you to try on period costumes or make your own ceramic pots." In describing the "key insight" of the book, the reviewer says, "Each public institution has an essence, a reason for its existence, be it making sick people well, improving general welfare, or, in the case of museums, collecting and exhibiting art." She adds that an institution will keep the public's trust only if "it remains true to its essence." These remarks are an excellent expression of what ends are and the obligations they impose on people who deal with the things in question.

We have listed two kinds of things that have ends: first, nonhuman things like zebras, trees, and spiders; and, second, human institutions and artifacts, such as museums and ballpoint pens. There is a third kind that must be added to the list. Human beings themselves have ends. They have an overall end, which we could call happiness, and which is easy to name but difficult to define; but there also are ends for the various powers that human beings enjoy. There is a telos for human sociability, for example, for human thinking, for human sexuality, for bodily nourishment, for dealing with dangerous and painful things. There is also a telos for human bodily and psychological health. It is especially this third category, the ends of human nature, that gives rise to moral problems. In this category it is most difficult for us to discover what the ends truly are, because here our purposes and our ends become most entangled with one another. Our inclinations and desires give rise to purposes, and sooner or later a conflict arises between what we want and what we truly are. It is quite easy to see what the ends of nonhuman things are; it is more difficult to unravel ends and purposes in regard to institutions and artifacts;


6 I particularly like the remark that a thing's "essence" is a "reason for its existence." A classical metaphysician could not have said it better.
but it is extremely hard to distinguish ends and purposes in regard to our own nature and its powers. To explore this problem, we must examine more carefully how ends and purposes come to light. This essay will essentially be a study of the kind of truth associated with ends.

II. HOW ENDS ARE DIFFERENTIATED FROM PURPOSES

It is not the case that ends are presented to us all by themselves, separate from purposes. It is not the case that we first get a clear, vivid idea of the ends of things, and then only subsequently attach our purposes to them. Moral issues would be much simpler if this were so; indeed, if it were so, there would be no moral problems. Our moral measures would be easily accessible. The human problem arises precisely because we have to distinguish ends and purposes in our activity, and it is often difficult to do so. Ends and purposes come to light in contrast with one another. For example, the end of medicine is the restoration and preservation of health, but a man might have many different purposes in practicing medicine. He may intend to heal people and keep them healthy, he may intend to earn money, he may intend to become famous, he may intend to become a politician, or, if he is a vicious agent, he may want to become adept at torturing people. At first, medicine comes to us soaked through with such purposes, often with many of them, and it takes moral intelligence to make the distinction between what belongs to medicine as such and what purposes we have in practicing it. Obviously, the people who teach the medical student will talk about the distinction, but ultimately the student and later the doctor has to make the distinction for himself; the teacher cannot make it for him. No one can make a distinction for anyone else; a distinction is someone’s mind at work. The telos and the essence of the thing come to light for us precisely in contrast with our purposes, and our purposes also come to light in contrast with what belongs to the things themselves.

It is even misleading to say that ends and purposes come to us entangled with one another. This way of putting it suggests that
we already have differentiated the two but that they have at this moment become enmeshed. Rather, what occurs is that the very contrast between ends and purposes has not yet arisen, that the very categories are not yet available. What we begin with precedes the distinction, and the distinction needs to be made. It has to be made, furthermore, not in placid contemplation of a neutral scene, but in the tumult of desires, emotions, and interests, in the thick of things.

Many of our purposes are compatible with the ends of the things we are involved with. Earning income by being a doctor is not incongruent with the end of medicine, but it can become so, just as it can enter into collision with being a lawyer or a statesman. This conflict happens when the purpose overrides the end and works against it, when, for example, an estate lawyer delays the execution of a will in order to increase his fee, or when a doctor performs unneeded surgeries in order to be able to charge the insurance company. Using a ballpoint pen as a bookmark does not conflict with the end of the writing instrument, but using it to pry things open may well so. Distinguishing the ends of things against the pressure of our own purposes is analogous to distinguishing the just against the pressure of our own interests. In both cases, we let the objectivity of things come into our consciousness, but the objectivity enters there not as a solitary visitor, all by itself; it enters by being differentiated from what we want.

Is it possible that someone’s purpose can coincide with the end of the thing? Certainly, it can; a doctor can have as his purpose here and now the restoration of this sick person’s health. The end of the medical art is in this case the purpose the physician has in mind as he practices his art, and one hopes that a physician would in general have as one of his purposes the end of the art of medicine, that he would respect the end of his art and not let his other purposes override it. But even when purpose and end overlap, there remains a difference between them, and the distinction still comes into play. One and the same good presents itself under two guises, as the end of the art and as the purpose of the agent. A formal distinction arises in the way the good appears
even though the good, healing this sick person, remains materially the same; the end does not turn into a purpose, and the purpose does not become an end. The fact that the material good remains the same might conceal from us the fact that there are two ways in which it can appear, two faces that it can present.

Let us suppose that a given doctor does have healing as his purpose in practicing medicine; his purpose is the same as the end of the art. Even this would not be enough. Such a doctor would still not think clearly if he assumed that healing is only his purpose, or that it is only the purpose of his associates in the art, and that no defining constraints came into play from the art itself, apart from the purposes of the practitioners. If he thought this way, he would not see or admit that healing, besides being his purpose, is also the end of the art, and that he and his colleagues could not define it in any other way; he would not see that he and his colleagues should have as their central and non-negotiable purpose the restoration and preservation of health. Medicine is so defined not because society wants to determine it this way, but because that is what it is.

III. BARRIERS TO THE DISTINCTION

Not everyone is able to distinguish the end from the purpose. There are at least four types of people who are impeded from distinguishing them: the impulsive, the obtuse, the immature, and the vicious.

First of all, it takes a certain development just to be able to have purposes. Children and childish people do not yet have purposes. They want things, and they might want things in the future, but they do not distinguish between what they want and what they are doing now, that is, they do not “shake out” the difference between purposes and the steps to attain them. Children are, quite naturally, impulsive. They have not yet developed the ability to think clearly about what they wish for, nor can they distinguish between what they wish for and what they can do now, nor can they discover optional ways of getting
to what they want, nor can they determine which is the best and most feasible way to get what they wish, nor can they, finally, take the first step, as well as all the succeeding steps, to get what they want. To articulate a situation and a desire in this way involves practical thinking. It is the introduction of moral syntax into our consciousness. Impulsive people have not developed this power of reason, this power of practical categoriality. Their future collapses into their present. Children are naturally impulsive, but some people remain childish even as they get older. Thus, Aristotle says that a young man, because of his impulsiveness and lack of experience, is not an appropriate hearer of lectures on political matters, and then he adds, "It makes no difference whether he is young in years or youthful in character; the defect does not depend on time, but on his living, and pursuing each successive object, as passion directs."\(^7\)

Second, we may have become adult enough to establish distinct purposes and to determine the steps that lead to them, but we may still be unable to appreciate the presence of other people with their purposes. We permit entry into our awareness only of what we want. We remain unable to see that other people have their viewpoints and needs, that we are not the only agents involved in our situations. To fail to be "objective" in this way is to be what I would like to call "morally obtuse" as opposed to being vicious. Someone who double-parks his car and blocks traffic may not be malicious—he doesn’t want to injure other people—but he is morally obtuse. He is simply and happily oblivious to the fact that there are other people in the situation who are being seriously inconvenienced. His consciousness does not expand enough to include the perspectives of others, even though he is able to distinguish means and purposes in his own case. A patient in a hospital room may keep the television playing all night long "so that he can sleep," oblivious to the other patients in the room. Such obtuseness is a failure in practical thinking, but it is different from vice and also different from the

\(^7\) Aristotle, *Nicomachean Ethics* 1.3.
childishness in which one cannot distinguish a purpose from the means of attaining it.

Third, immaturity is the state of mind in which we are unable to distinguish what we (and others) want from the demands and obligations of the world itself; that is, we fail to distinguish our purposes from the ends of things. To be able to make this distinction is to be "objective" in a new way, one different from simply recognizing the presence of other agents. If we merely recognize other people and acknowledge that they too have purposes, all we would have is a world of cross-purposes and ultimate violence, which would amount to a war of all against all.\(^8\) This is where the apotheosis of autonomy and choice leads. Recognizing the ends of things and the ends of our own nature, however, would help pacify this conflict. The only alternative to such peace through the truth of things is the establishment of a will that is overwhelmingly powerful, the sovereign or Leviathan, who pacifies by decree and not by evidence, and for whom there are no ends or natures in things. Let us use the term "moral

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\(^8\) See Slade, "On the Ontological Priority of Ends," 67-68: "What happens when end is reduced to purpose and consequence becomes visible in the films of Quentin Tarentino, which picture a 'world' in which there are only purposes of human beings, a 'world without ends.' In such a world there cannot be any congruity or incongruity of purposes with ends. There being no ends by which purposes can be measured, all purposes are in themselves incommensurate and incongruous with one another. This is a world in which everything is violent, because there is no natural way for anything to move. But a world in which everything is violent means that violence becomes ordinary, the usual, the way things are. The violent displaces and becomes 'the natural'... The violence shocks [us] because we are not nihilists, because we are still measuring what people do in these films by a world in which there are ends, not just human purposes.... A world of purposes only is a world of cross-purposes, the definition of fiasco."

Slade goes on to say that if the world had nothing but purposes the narrative arts could not exhibit the forms of things and the forms of human life; it could only show off the style of the artist who composes the work of art. Every life then becomes "a tale told by an idiot, full of sound and fury, signifying nothing," with the difference that Shakespeare knows the distinction between an idiot's tale and a human life, while Tarentino does not. Slade compares Tarentino with Kafka, who also describes a world without ends, but who knows how terrifying it is; Tarentino, in contrast, finds it funny. Slade says, "A world of fiasco is a world in which guilt is impossible, because guilt requires responsibility for actions, and there are actions only if purposes are measured by ends." One should notice the idea that true human action, true praxis, can occur only when the distinction between ends and purposes is at least glimpsed by the agent.
maturity" to name the ability to see that things themselves have their own excellences that need to be respected if the things are not to be destroyed. This virtue enables us to take up a viewpoint that goes beyond our own desires and the desires of others.

Fourth and last, there is vice. We may acknowledge the ends of things and the viewpoints of other persons, but we deliberately and maliciously let our purposes override them. We fail in regard to justice not because we are impulsive, obtuse, or immature, but because we are unjust. We want to destroy the thing in question—the educational institution, the work of art, the church—and we want to injure others. We don’t simply do unjust things; we are unjust; we do not, say, simply commit a murder; we are murderers. We have gotten to be this way because of the choices we have made in the past. The inclination to destroy the thing is always associated with some malice toward others; we destroy the thing because it could be a good for others.9

These, then, are four ways in which the truth of ends can be occluded: impulsiveness, moral obtuseness, immaturity, and vice. In any given case, the lack of moral insight into the ends of things might be explained by some combination of these four, just as an agent’s deficiency might be caused by something intermediate between weakness and malice. What we are discussing is the way that the difference between ends and purposes comes to light, which amounts to the way in which the truth of things is disclosed. If we are to show how truth occurs, it is necessary to show what impedes such an occurrence, what hides the truth. We can appreciate a disclosure only in contrast with the forms of concealment that are proper to the thing in question.

IV. HOW ENDS ARE DISTINGUISHED FROM CONVENTIONS

There is one more distinction that needs to be made in discussing how the ends of things come to light. We have examined how they are played off against purposes, but they should also be

contrasted with conventions, which are different from the institutions and artifacts that we discussed earlier. Institutions and artifacts exist independently once they are made, but conventions—manners and morals—are ways in which we act as human beings. They are more proximately related to our human nature and its ends, because they indicate how we should conduct ourselves, how we should become actualized.

We normally encounter the good and the bad, the noble and the ugly, the obligatory and the prohibited, in our society's laws, customs, manners, and morals. The challenge we initially encounter in life is to make our inclinations, purposes, and choices conform to the injunctions of our community. In most cases it is right and good to conform to social norms, because they are usually reasonable expressions of the natural good. Social conventions and moral traditions, based on long and localized human experience, are normally an embodiment of what is good or bad in itself, the good or bad by nature. Our initial moral challenge is to become "law-abiding citizens," people whose purposes are in harmony with the laws and moral traditions of their community.¹⁰

Still, conventions cannot be the final word, just as our purposes cannot be the final word. Sometimes conflicts arise in regard to the moral traditions themselves and criticism is necessary. The way things are done needs to be more adequately adjusted; but adjusted to what? What else, but to the way things are? When this sort of "crisis" occurs, we appeal at least implicitly to the ends of the things in question; this appeal is made even by people who may deny that things have ends. What else could one invoke?

Suppose, for example, that in a given community the art of medicine routinely involved abortion, infanticide, and euthanasia, and that it trained its apprentices in these procedures. P. D. James's novel *The Children of Men* presents a chilling fictional picture of a situation in which the sick and elderly are granted a "quietus" (which they are not pleased to undergo). It is, first of all, questionable whether under these conditions the medical art

¹⁰ Thus, for Aristotle, the first meaning of justice is the lawful (*Nicomachean Ethics* 5.1).
could survive, because people would hesitate to go to doctors and hospitals if killing were to be one of the available “treatments.”\textsuperscript{11} Acting against the end of the art will tend to destroy the art. But suppose the art were being practiced in this manner; some people would argue against using medicine to kill, and their argument would be based both on human dignity and on the fact that this aspect of “medicine” is opposed to medicine; it is opposed to the essence and the end of the art. Their argument would be based on the nature of the art as well as on the dignity of human nature, that is, on the telos of each of the entities involved in the practice.

As another example, suppose that polygamy were accepted in a certain community.\textsuperscript{12} To argue that the practice should be changed, one would appeal to one of the ends of marriage, and the argument would be specific and concrete, showing that this way of being married conflicts with the kind of friendship and commitment that marriage “in itself” implies. Such conflicts between an established convention and the way things ought to be show that conventions do not cage people. Conventions can be questioned and changed, and they are questioned when one thinks that they do not properly express the reality they deal with (in these instances, with the art of medicine and the institution of marriage). The ancient practice of suttee in India would be another example; the British abolished the practice not because

\textsuperscript{11} At one point in the novel, the protagonist, Theo, is in a museum in Oxford and passes by the custodian, whom he recognizes as “a retired classics don from Merton.” He asks him how he is, and the custodian replies nervously, “Oh, very well, yes, very well, thank you . . . I'm managing all right. I do for myself, you know. I live in lodgings off the Iffley Road but I manage very well. I do everything for myself. The landlady isn't an easy woman . . . but I'm no trouble to her. I'm no trouble to anyone.” Theo wonders what he is afraid of: “The whispered call to the SSP that here was another citizen who had become a burden on others?” (P. D. James, \textit{The Children of Men} [New York: Warner Books, 1992], 120-21. The passage is a fine expression of the radical individualism in the modern state: “I do everything for myself.”

\textsuperscript{12} Here is an interesting passage in which a writer fails to distinguish between customs and the ends of things: “Monogamy, albeit in various different forms, was the norm in classical antiquity, and it is still the norm in most Western civilizations (except in Utah). It is all too tempting to see those features of our culture which we have retained since antiquity as somehow natural for any human society, but of course there is no reason to make this assumption” (Emily Wilson, “Why Exactly Do We Look Back?” \textit{Times Literary Supplement}, 25 June 2004 [review of Simon Goldhill, \textit{Love, Sex and Tragedy}].
they simply preferred other customs, but because it was contrary to human nature and the nature of marriage.

This does not mean that the critic of a law or a practice has a full, independent vision of the nature and end of the thing in question and that he compares the convention with it; rather, faced with the law or custom, he knows and says that "this is not the right way to do things" (an observation that might well put him into some tension with his fellows). He knows the end at first more by negation than by positive insight. It is a contrastive knowledge, not an independent vision, but it is still a grasp of the thing itself over against its distortion. The true comes to light against the established delusion. Thus, one of the ways that ends are manifest is in contrast with custom and convention.\(^\text{13}\)

It is not the case, however, that we get a view of the thing's \textit{telos} only when there is a conflict between the convention and the end. It is also possible for someone to have the insight that this convention or this practice, this way of doing things, does indeed reflect the end of the thing in question. It takes intellectual strength to make this distinction, because we have to see one and the same thing in two guises, as good by convention and also as good in itself. Most of the time we simply accept the conventional good on its face; it is the way everybody does things, and so it must be right; it is the way things ought to be. To be able to give arguments based not just on convention but on the way things are is a more sophisticated achievement. It involves the recognition, not attainable by everyone, that there are two kinds of "ought." It is analogous to the physician's ability to see healing as both his purpose and the end of his art.

In either case, whether we are distinguishing the ends of things from conventions or from our purposes, we need to have a certain intellectual flexibility. It is more than the power to distinguish one thing from another. We need the ability to distinguish two dimensions, two ways in which something can be good: as an end or a convention, or as an end or a purpose. Distinguishing

\(^{13}\) I have developed this theme in an earlier essay; see "Knowing Natural Law," in Robert Sokolowski, \textit{Pictures, Quotations, and Distinctions: Fourteen Essays in Phenomenology} (Notre Dame: University of Notre Dame Press, 1992), 277-91.
dimensions is more difficult than distinguishing things. When people deny that there are natural ends to things, they do not merely fail to distinguish one thing from another; they fail to appreciate that there are two ways in which goods can present themselves to us. The ability to make this distinction belongs to practical as well as theoretic reason.

In the previous two sections we showed how ends are differentiated from purposes, and we examined four obstacles to that differentiation. In this section we have spoken about the distinction between ends and convention. I now wish to make what might seem to be a rather sudden leap in my argument; I wish to introduce the notion of natural law. This topic might seem different from what we have been discussing, but it really is not.

V. NATURAL LAW

I wish to use an important and illuminating observation by Francis Slade, a way of defining natural law that has, I think, considerable intuitive force. To the question, "What is natural law?", one can answer very simply: "Natural law is the ontological priority of ends over purposes." Natural law is shown to us when we recognize that there are ends in things and that our purposes and choices must respect their priority. This understanding of natural law would imply that our discussion of ends and purposes in this essay has all along been a treatment of natural law and the way it is manifested to us. The precedence of ends over purposes occurs especially in regard to the ends that are proper to human nature and its various powers. For example, the ends built into human nourishment must be seen to govern the way we eat, and the ends built into human sexuality must be seen to govern the way we live with our sexuality. In both of these powers, we ought not to be governed by what we simply want and the purposes we set for ourselves; we must differentiate between what we want and the reality and the telos of the thing we are

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14 Slade formulated this concept of natural law in conversation. I am grateful for his permission to use it in this essay. The formulation is implied in the title of his essay, "On the Ontological Priority of Ends and Its Relevance to the Narrative Arts," cited above in note 3.
dealing with. We must have a sense that our purposes must be measured by the way things are, which means that they must be measured by the way things should be. The distinction between purpose and end has to dawn on us, and when it does dawn on us we experience the pressure and the attraction of the way things have to be. We encounter "the natural law."

We might be tempted to think of natural law as a kind of codex, a set of imperatives that could be formulated in a purely theoretic, systematic exercise, identifiable and arguable apart from any particular moral tradition. The use of the term law to name what is good by nature reinforces this tendency. But if we think of natural law in this way, we could easily be led into skepticism: If the precepts of natural law are so lucid and rational, why is there so much disagreement and so much obscurity about them? The fact of moral controversy would, in this viewpoint, show that natural law cannot be a codex, and if that is the only concept we have of it, we might conclude that there is no such thing. If, on the other hand, we recognize that not everyone will have a good sense of the true ends of things (the impulsive, obtuse, immature, and vicious are far less able to recognize them), and if we see such ends not as grasped beforehand but as differentiating themselves from our purposes and our conventions, we will be the more ready to admit that this kind of natural law does play a role in our moral thinking, in the way we evaluate situations and agents. This picture of natural law is more realistic and more persuasive precisely because it accounts for the obscurities associated with moral judgments.

It would also be obvious, furthermore, that we are obliged by the ends that come to light in this way. The very fact that they arise formally in contrast with our purposes shows that our purposes have to be adjusted in view of them; that is what an obligation means. The ends become manifest as what we should respect. Only ends can make us accountable; our purposes have nothing obligatory about them. Ends are not just an aesthetic

15 Writers trained as lawyers may be more prone to understand natural law as such a system of imperatives or values.
alternative to our purposes but a “law” in the nature of things. If we are dealing with the thing in question (with medicine and health, with nourishment or sexuality, with goods that we have to share with other people), we dare not let our desires and purposes be the only measure. The thing we are dealing with makes its own demands on us, and it would be unworthy of us not to recognize the excellence that belongs to it. If we genuinely are agents of truth, we cannot let our wishes be the last word. There is a kind of ontological, cosmic justice in being in harmony with the way things are. This sense of obligation may not appear to the impulsive, the obtuse, the immature, and the vicious, but would we want to be the kind of agent that does not acknowledge it? An end should show up for us first and foremost as that which it would be unworthy of us to violate.

This sense of the noble should be the primary and the core sense of moral “obligation.” It is not that a law is imposed on us, that we are fettered by an imperative, but that we would be ashamed to act otherwise. Nobility obliges us in a way different from commands. The nobility of what is good by nature shows up most forcefully to the virtuous agent, who experiences it not as an imposed duty but as the way he wants to be. It shows up also to what Aristotle has described as the self-controlled person and to the weak person, the enkratic and the akritic agents, but they experience it more as an imperative and a command arising, to some extent, from “outside” themselves, because their passions are not in harmony with right reason. But the paradigm, the case that provides the focus for orientation, is found in the way the virtuous agent encounters the noble: not as an imperative but as the way he would want to be. In dealing with eating and drinking, for example, a self-controlled or a weak person might find it burdensome to eat and drink moderately, but a temperate person would find it not a burden but the way things should be. It would not be a matter of natural “law” as much as a matter of natural decency.

16 Aristotle develops these important moral distinctions, between virtue, self-control, weakness, and vice, in Nicomachean Ethics 7.1-10.
The sense of obligation that ends bring with them is reinforced by the Christian doctrine of creation, and it is easier to think of the ends of things as being part of a natural law when we understand the world to exist through God’s creative wisdom. We then discover not only a law in the nature of things but also a Lawgiver who is responsible for the way things are. This reinforcement of natural ends, however, also introduces a considerable danger. It may tempt us to think of ends as really being the purposes of the divine intelligence and will. This in turn might tempt us to delete or dilute the notion of ends in themselves; we might think that what look to us like natural ends are really, at their core, purposes and not ends, because they are willed by God, and hence the distinction between ends and purposes might be dissolved when we move into the final and ultimately true context. We might also tend to look to revelation for the more definitive communication of the true ends of things; we might, for example, think that the wrongness of certain practices is shown by their being condemned by the Law of Moses and by St. Paul, not by their showing up to human reason as incongruent with the ends of the things in question. Such an appeal to creation and revelation might make us more inclined to think of natural law as a codex rather than as an experienced obligation. It is true, of course, that revelation will often declare certain natural human practices to be good and others to be bad, but these things also have their natural visibility, and one can argue more persuasively about them if one brings out their intrinsic nobility or unworthiness, their intrinsic rightness or wrongness, as well as the confirmation they receive from revelation.

Saint Thomas says that the natural law is promulgated by being written in the human heart. As he writes, “The law written in the hearts of men is the natural law [lex scripta in cordibus hominum est lex naturalis].” Aquinas also quotes a passage from St. Augustine’s Confessions, where Augustine also speaks about God’s law as written in the hearts of men, and of course both authors harken back to St. Paul who, in his Letter to the Romans (2:14-

17 STh I-II, q. 94, a 6, sed contra.
15), says, “For when the Gentiles who do not have the law observe the prescriptions of the law, they are a law for themselves even though they do not have the law. They show that the demands of the law are written in their hearts.” We should understand the full meaning of the words used for the heart in such passages, cor and kardia. They do not connote the separation of heart and head that we take for granted in a world shaped by Descartes. We tend to think that the head or the brain is the seat of cognitive processes and the heart is the seat of emotion and feeling, but when Aquinas appeals to the heart, he is not saying that the natural law is somehow given to our feelings or impulses instead of our minds. Rather, he claims that we are able to acknowledge, rationally, what the good is.

Premodern thought had not undergone the dissociation of sensibility and rational thinking. In Greek poetry the heart, the chest, and even the lungs were generally taken as the place where thinking occurred. There is something wholesome in this ancient understanding; it is really the entire man, the person, who thinks and knows, not the brain. The carpenter thinks with his hands, the quarterback thinks with his legs and arms, and the speaker thinks with the lungs, mouth, and tongue. We do have to distinguish thinking from other human activities, but we should not take thinking to be only isolated cogitation, only sheer consciousness. Furthermore, Robert Spaemann claims that in the New Testament the word heart takes on an especially important meaning. He says the heart is taken to be a deeper recipient of truth than the mind or intellect in Greek philosophy; it deals with our willingness to accept the truth. It is an expression of our veracity, our openness to the truth of things. Spaemann says that the concept of “heart” in the New Testament “means something

18 See the classic study of Richard Brotxon Onians, The Origins of European Thought about the Body, the Mind, the Soul, the World, Time, and Fate: New Interpretations of Greek, Roman and Kindred Evidence, also of Some Basic Jewish and Christian Beliefs, 2d ed. (Cambridge: Cambridge University Press, 1954), chap. 2, “The Organs of Consciousness.”

like the discovery of the person.\textsuperscript{20} Still more specifically, in the New Testament it is related to people's willingness to hear and accept the Word of God in Christ.

I would suggest that when Aquinas says that the natural law is written in the hearts of men, he is referring to the capacity for truth that we described when we said that the natural ends of things must be distinguished from our own purposes and from convention. This elementary differentiation, this recognition that my purposes are not all there is, and that the way we do things is not all there is, is a way of being truthful that is achieved by the heart, which if it is sound can cut through the impediments of being impulsive, obtuse, immature, and vicious. I hope that my study can serve as a phenomenological complement to Aquinas's ontological analysis, in which he distinguishes between the various kinds of law and shows that natural law is a participation in eternal law. My descriptions have tried to shed light on how natural law is "promulgated" in human experience.\textsuperscript{21}

\textsuperscript{20} Ibid., 30

\textsuperscript{21} Aquinas's treatise on law is found in \textit{STh} I-II, qq 90-108. I have tried to show how the ends of things come to light. My analysis does not claim that we intuit ends; they are disclosed through a distinction, which is more rationally articulated than an intuition. We do not have something simply present by itself to the mind; rather, we have something presented over against something else, and one can discuss such a presentation in a way that one could not argue about an intuition. A distinction, however, is not the conclusion of a syllogism. It can be argued about and clarified, but it cannot be proved. Any attempt to prove a distinction begs the question.

But making a distinction is not the only rational procedure associated with ends. It is also possible to confirm something as naturally good. This is done by showing that the opponent really cannot deny that the thing in question is good; he has to affirm it either in his actions or in other things that he admits to be true, or at least in the way he presents himself and tries to justify his actions in public. This procedure "proves" by refutation, and it is analogous to the way Aristotle argues against those who deny the principle of noncontradiction and other fundamental principles in logic and metaphysics (\textit{Metaphysics} 4.3-8). The argument by refutation is very important in philosophy generally and in ethics in particular; it is tied to the making of distinctions and to the principle of noncontradiction, that is, to the establishment of a rational speaker. It does not, however, bring out the first and original manifestation of moral goods.
VI. PHILOSOPHICAL AND THEOREOLOGICAL ANTHROPOLOGY

I would now like to pull together some conclusions concerning the relationship between ethics and philosophical and theological anthropology. Our understanding of ourselves as human beings is related to our understanding of the good and virtuous human life. This end or telos of human being is disclosed by virtuous action, by human beings existing and acting well as human beings. The primary manifestation of such being and acting is carried out by good agents. It is revealed by reason, but by the practical reason of good agents, who show what is possible, not primarily by the theoretical reason of philosophers, theologians, or scientists. Once the good life is manifested in action, philosophy can clarify and consolidate what has been accomplished. It can distinguish the various human lives, the various ways in which people seek happiness, and it can bring out which of these is intrinsically better than the others. For example, one of the forms of happiness that decent people seek is that of honor, of being recognized by others as being good. People are motivated to good actions by the promise of being honored for what they have done. But, as Aristotle points out, honor cannot be the final telos, because it is dependent in two ways: first, it depends on other people, on those who bestow it; and, second, it depends on that for which we are being honored (we want to be honored because we are good, and so the goodness is more excellent than the honor). The "logic" of honor implies dependency; it is at best penultimate. This philosophical clarification points us beyond honor to virtue, and even virtue is not ultimate, because it is only a disposition; it has to be exercised in order to make us truly excellent and happy.

This little philosophical critique is an example of what philosophy can do, but it presupposes that there have been good agents and that people have sought happiness. Practical reason has already been at work; honor and virtue have already come into

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22 Philosophy also introduces its own perfection, but it is theoretic and not practical.
23 Aristotle, Nicomachean Ethics 1.5.
Play. Philosophy does not install the search for or even the achievement of the ethical life. Philosophy can show the intricacies of human action and choice, the relations among the virtues of courage and temperance, and justice and friendship, and other dimensions of the moral life, but it always assumes that these things have been achieved by practical reasoning, which is where human excellence and human failure first come to light, where we first come to see what it is to be human. These achievements are then capsulated, polished, and trimmed in moral traditions, in poetry and narratives, in exemplars, maxims, and customs, where practical and theoretic reason join forces with literary skill to present a picture of how we can be. We measure our lives and actions, we understand ourselves and our human situations, in the light and the frame of such paradigms, and occasionally we may need to distinguish between the way things are and the way they are said to be.

Christians believe that God has revealed a deeper sense of goodness and virtue (as well as a deeper sense of evil and vice). Faith, hope, and charity, as gifts of God, dispose us to act in a new context, in which we are elevated into God’s own life, through the redemptive actions of the incarnate Son of God. In this domain, we do have a kind of “theoretical” priority of knowledge over practical reason; we have to accept certain truths about ourselves before we know we are able and obliged to act in certain ways. However, this new dimension does not override the evidences of natural practical reason. What seemed noble and decent in the natural order remains so, and it is confirmed in its goodness by being involved in this new context of grace. In fact, grace intensifies the appeal of natural virtue, which now shows up as not only as admirable, but also as a reflection of divine goodness. Grace heals and elevates nature. For example, the nobility of human friendship, which is a kind of pinnacle of natural human virtue, is enhanced by becoming involved in charity, which is the friendship that God extends to human
beings. As another example, the excellence of human marriage is enhanced and its meaning deepened when it is understood not only in the natural order, where it has two ends, the procreation and upbringing of children and the mutual devotion of the spouses, but when it is understood theologically to signify the relation between Christ and the Church. From its earliest times, Christianity differentiated itself from its surrounding world by its attitudes toward abortion, infanticide, and matrimonial fidelity. It worked toward the elimination of slavery and gladiatorial combat, it tried to limit warfare, and it changed the meaning of wealth; as Evelyn Waugh has Lady Marchmain say in *Brideshead Revisited*, “Wealth in pagan Rome was necessarily something cruel; it’s not any more.” In all such instances, what Christianity offers is not a set of new, unheard-of precepts, but a deepening of what is already appreciated as good. The natural visibility remains. Grace elevates and also heals wounded nature, revelation expands and clarifies human reason. I would suggest that one of the strongest arguments in Christian apologetics is the fact that faith refurbishes what is naturally good. Such clarification of goods is not only a moral theology but also a theological anthropology, because it shows more clearly what human beings are and what they can and should be—that is, what their ends truly are.

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25 St. Thomas Aquinas discusses bigamy and polygamy in IV Sent., d. 33, a. 1; see also *STh* III (suppl.), q. 65, a. 1. He lists three ends of marriage: procreation and education of children, mutual devotion, and expression of the relation between Christ and the Church. He says that a multiplicity of wives would neither necessarily destroy nor impede the first end, it would not destroy the second but it would seriously impede it, and it would totally destroy the third.