

COMPLETION MARKER --JOURNAL 7 on Natural Law Ethics

Cibele Toledo

April 11, 2021

Phil 2306: Introduction to Philosophy

Houston Community College

Journal Writing 7

1. What is the origin/beginning of natural law theory?

To begin with, humans have an innate sense of right and wrong, according to natural law theory, which regulates our reasoning and actions. Natural law is a concept that dates back to the time of Plato and Aristotle. Since natural law is founded on human nature rather than tradition or traditions, it remains unchanged over time and across the globe (Murphy, 2019). Natural law theories are only regarded as theories of law in this entry. Legal theorists who view or recognize their ideas as “positivist”, or as examples of “legal positivism”, consider them to be at odds with natural law theory (Murphy, 2019).

Besides that, natural law theorists, did not develop their ideas in contrast to legal positivism or even as a separate entity from it. Aquinas was the first to popularize the terms “positive law” and “natural law” in philosophy. Many, if not all, “Positivist” these are shared by theories of his kind or at least no attempt is made to refute them. Natural Law Theory acknowledges that law can be thought of and spoken of as a collective truth of power and practice, as well as a collection of reasons for behavior that can be, and frequently are, sound as reasons and therefore normative (Murphy, 2019).

It seems that modern “positivist” theories are natural law theories, as opposed to the main body of natural law theory. They argue that the philosophy of law does not have to or does not address the above issues. Normal (moral) law and (pure) positive law are also considered in legal deliberation, reasoning, and judgment. One explanation for their lack of systematic study is the lack of systematic analytical awareness to the basis of the moral and other normative statements that they create or assume.

2. Differentiate Aquinas' understanding of different laws like - eternal law, divine law, Natural Law, and human Law?

Law, according to Aquinas, is “a certain rule and measure of actions by which man is induced to act or is restrained from acting.” Law is directed by nature to the good, especially the universal or common good (Murphy, 2019). The essence of the law necessitates promulgation. Divine and human laws may be promulgated orally or in writing. Aquinas distinguishes between four types of law: eternal, natural, human, and divine. The third, fourth, and fifth all depend on the first, but in different ways. If we were to place them in order, eternal will come first, followed by natural, and finally human. Divine law does not interfere with natural law; however, it comes to humans by a particular direction, revelation (Murphy, 2019).

Eternal Law, Civil Law, Human Law, and Divine Law are the four forms of law in Aquinas' Natural Law Theory. The Eternal Law is the key to understanding these four laws and how they interact. Aquinas refers to God's rational reason and plans for all things as “Eternal Law” (Oxford University Press, 2021). God did not decide to write the Eternal Law at any stage in the past. We participate in the Natural Law if we behave by reason. When something accomplishes its goal/plan, it is following the Eternal Law (Oxford University Press, 2021). The response is the reason, and it is the reason that distinguishes us from rats and rocks. Acting by reason is what is best for me and you as humans.

The first primary precept is to pursue and do good while avoiding bad. This, according to Aquinas, is the guiding principle for all of our decisions. Aquinas opposes relativism because he claims this is complete and binding on all rational agents. All rational agents are bound by the “Primary precepts”, which are absolute and binding on them to do good and prevent bad. The absolute laws of good and evil are the key precepts. Natural Law does not present us with a

collection of established rules to consult; rather, it generates basic rules that any rational agent can learn simply by being rational. For Aquinas, for instance, we don't need to check whether we can do good and avoid evil since it is already ingrained in our minds (Oxford University Press, 2021). Aquinas also presents the Human Rule, which offers rise to “Secondary Precepts”, such as never driving over 70 mph on a highway, never kidnapping people, and always wearing a helmet while riding a bike.

Only if these are in line with Natural Law are they morally permissible. Whether they are, we should obey them; if they aren't, we should not. If we can learn these fundamental principles through logical thought, God is no longer a part of the story. The greater our ability to think and converse with those in society, the stronger. We need to be a member of a community to discover our true goods — our secondary precepts that are by the Natural Law (Oxford University Press, 2021).

We already have Eternal Law, Natural Laws, Human Laws, and eventually, Aquinas presents the Divine Law. According to Aquinas, Divine Law should be regarded as the Divine counterpart of Human Law. Aquinas: We may be perplexed and mistaken about what we assume is the most important thing to do. According to Aquinas, observing the Human Rules and the Divine Law will assist us achieve our goals and ideas. The Divine Law instructs us to forgive others, including our adversaries. It's the only way to achieve true happiness. According to Aquinas, human laws are obtained from natural law, which is a participation in the eternal law. Therefore, eternal law takes precedence over natural law, which is followed by human law. The mark of everlasting law on mankind's souls is natural law, whereas divine law is God's declared law to mankind (Oxford University Press, 2021).

3. Discuss the three applications of Natural law: in the preservation of human life, in the pursuit of social life, and in my duty to tell the truth?

Natural law is a theory founded on the assumption that everybody in a given society has the same understanding of what is “right” and “wrong”. Furthermore, natural law assumes that everyone wants to live a life that is “good and innocent”. As a consequence, natural law can be thought of as the cornerstone of “morality”. Natural law is the polar opposite of “positive” or “man-made” law. While natural law will encourage positive law, positive law may not inspire natural law. The principle of self-defense is often invoked in regular law to justify the killing of an aggressor. Self-defense, on the other hand, has no place in natural law. Taking another person's life is immoral under natural law, regardless of the circumstances. Even if an armed intruder breaks into another's house, natural law prohibits the homeowner from killing the intruder in self-defense. Natural law varies from government-enacted self-defense legislation such as the so-called “Castle Doctrine” laws in this way (Murphy, 2019).

Natural rights are endowed by birth and are not subject to the rules or practices of any specific society or government, according to the principle of natural law. The natural rights stated in the United States Declaration of Independence, for example, are “Life, Liberty, and the Pursuit of Happiness” (Murphy, 2019). Natural rights are thus considered fundamental and inalienable, indicating that they cannot be overridden by human laws. Human rights, on the other hand, are rights bestowed by the government, such as the right to live in safe homes in safe societies, the right to safe food and water, and the right to healthcare. People of many western countries agree that the government should assist citizens who are unable to fulfill their basic needs on their own. Citizens of primarily socialist societies agree that the government should fulfill those needs for all people, regardless of their ability to pay for them. We may follow

several different embodiments of good. Some traits, such as procreation, are shared by all species, while others, such as the pursuit of reality, are exclusive to human abilities. Loving others entails thinking for their well-being because their eudaimonia is just as important to me as it is to you. Eudaimonia is accomplished by speaking the facts. Withholding it could cause the other party to make decisions based on incomplete information, which could have negative consequences. As a result, one is obligated by natural law to say the truth for the benefit of others, which includes loving and caring for them.

4. Discuss the forfeiture principle and Double Effect Principles in solving the conflict of duties?

The double effect theory aims to provide detailed guidelines for determining if it is morally acceptable to act in the search of a positive end though fully conscious that the action will almost always have negative outcomes (Wellman, 2012). The theory has its roots in the medieval natural law context, particularly in Thomas Aquinas' analysis, and has been modified by centuries of Catholic moral theologians in both its general formulation and implementation (Wellman, 2012). Even though the precise formulation of this principle has been debated, it generally claims that in situations where a considered action has both good and bad outcomes, the action is permissible only if it is not incorrect in and of itself and does not require that the evil consequence be expressly planned. Besides, it appears to have many morally complicated applications in which achieving a desired positive result without also causing any obvious evil is complex. The concept of double effect, which was once largely confined to Catholic moral theologians' discussions, has recently become a common topic of debate among a broad range of modern philosophers, in both moral framework and ethical theories (Wellman, 2012).

If X harms a noble individual's life (i.e., defies the principle of life protection), X's right to life is lost, according to the Principle of Forfeiture (PF) (Wellman, 2012). Subsequently, self-defense murder is morally acceptable. Several modern NLT advocates do not agree with PF. This idea, they conclude, is incompatible with the doctrine of the sacredness of human existence. It's essential to know that, just as it's not in God's nature to deliberately cause something negative (since God is all good), striving for something negative isn't in our existence (embodiment). We would only allow negative things to occur if there is a compelling reason. On top of that, in the case of the PDE or double impact theory, a person may lawfully conduct an action that has multiple consequences, one immoral and one moral, if four criteria are met (Wellman, 2012):

The action must be morally correct or neutral at the very worst. The entity does not intend for the immoral act to happen but may simply cause it to happen. He can do that if he can achieve a moral outcome without having an immoral act. At least as soon as the immoral effect, the moral effect must match the action (in terms of causality, but not generally in terms of time). The moral result must be enticing enough to compensate for the recognition of the immoral effect (Wellman, 2012).

5. Reflection idea: Can God and His will (based on the eternal law and divine law) be the bases for right or wrong? If you agree, can morality then be good only for believers in God? Explain?

Many people have been raised to recognize the ten commandments as moral guidelines, and they believe that obeying them would lead them to believe in the divine command theory. This is far from the case. The nice, according to divine command theory, is whatever the "God" or deity commands. This can refer to anything, at any time, and in any place. The divine order theory is not founded on the Bible. It's a divine command, and it's a divine command. The ten

commandments are just the beginning of divine order. No way, no how. According to this theory, the god did not cease to exist after issuing the commandments but continued to exist and issue new commandments. God has the authority to issue commandments that contradict or alter previous commandments.

In fact, it is common for someone pretending to have received a direct command from the deity or god to behave in a way that contradicts or violates one of the ten commandments, such as murdering innocent children because the deity ordered them to. Divine command theory has so many flaws that it is only used by a small percentage of people on the planet, and those who do appear to be fanatics and mentally ill. Because of the issues with divine command theory and the danger, it presents to organized religions, no organized religion currently follows it. Natural law philosophy, not divine order, is endorsed by Judaism, Christianity, and Islam.

Works Cited

Murphy, M. (2019, May 26). *The Natural Law Tradition in Ethics*. Stanford Encyclopedia of Philosophy. <https://plato.stanford.edu/entries/natural-law-ethics/>.

Oxford University Press. (2021). Chapter Summary.

<https://global.oup.com/us/companion.websites/9780195332957/student/chapter10/summary/>.

Wellman, C. H. (2012). The Rights Forfeiture Theory of Punishment. *Ethics*, 122(2), 371–393.

<https://doi.org/https://doi.org/10.1086/663791>