

The Natural Law Theory of Ethics

The label “Natural Law Theory” has been used to refer to various philosophical ideas, but for present purposes it refers to theories of ethics having these four features:

1. *The moral law is grounded in human nature.*¹ Human beings cannot flourish or be genuinely fulfilled unless they heed the moral law and no true system of morality undermines human nature, i.e., prevents human beings from flourishing. Furthermore--as a first (and rough) approximation--an act is right if and *because* it promotes human flourishing, and a motive or character trait is good if and *because* it promotes human flourishing. Thus, the moral law is “natural” in the sense that it is grounded in human nature. This does not mean, however, that humans are always or even usually inclined to do what is right; Natural Law (NL) theorists are well aware that becoming a good person takes a lot of effort. Also, since any plausible system of morality requires that individuals make some sacrifices for others, NL theorists must explain how such sacrifices are compatible with human flourishing.
2. *The good is prior to the right*; that is, principles concerning right action (e.g., “You should not commit murder”) are based on the goods necessary for human flourishing or fulfillment.² NL theorists do not all agree on which goods are necessary for human flourishing, but a typical list would include life, health, friendship, creative activity, knowledge, beauty, and pleasure. The most general moral principle is “Seek the good.” But we need more specific rules or laws for a variety of reasons. For example, in a given situation, seeking one good (e.g., pleasure) may be incompatible with seeking another (e.g., knowledge); and in many situations, seeking one person’s good may conflict with seeking the good of another person (e.g., we may not have enough flu vaccine for everyone who needs it).
3. *The most important truths about morality are knowable by human beings.*³ Here the NL theory collides with moral skepticism. NL theorists need not claim, however, that every human being knows the most important moral truths. Indeed, severely mentally impaired humans may lack even the ability to know moral truths. And a child raised by morally corrupt adults may have deeply misguided ideas about right and wrong. But most human beings are capable of knowing the most important moral truths. That said, humans need instruction to gain a good working knowledge of moral truth, just as they need instruction to have a good working knowledge of mathematics.
4. *The moral law is universal*; it applies to all human beings.⁴ Thus, the NL theory conflicts with normative relativism, the idea that acts are right (or wrong) simply because they are approved of (or disapproved of) by the society in which they occur. For example, the moral code of some societies permits acts and attitudes that are sexist in nature, but the mere fact that the members of a society generally endorse such a code is no defense of it from the standpoint of NL theory. If the code hinders the flourishing of many people, then NL theory calls that code into

question. Similarly, the NL theory conflicts with moral subjectivism, the idea that acts are right (or wrong) simply because they are approved of (or disapproved of) by the agent (i.e., the person who performs the act). No doubt Adolf Hitler approved of the many acts he performed to exterminate Jews and other minorities. But given that his acts were destructive of flourishing for millions of people, from the standpoint of NL theory, Hitler's self-approval provides no defense of his actions whatsoever. However, while NL theorists hold that the promotion of human flourishing is morally required of everyone, NL theorists do not deny that flourishing is, to some degree, dependent on (and hence relative to) a person's social or cultural context. This is so because humans can flourish only in communities or societies and because social structures to some extent dictate the terms of fulfillment. For example, in a preliterate society, human fulfillment does not depend on being able to read, but in a society in which gainful employment typically involves reading, a person's fulfillment does usually depend on his or her being able to read--and thus, hindering a person's attempts to learn to read becomes a moral issue.

In what follows I want to expand on these basic elements of NL theory, identify some of its strengths, and consider some key objections to it.

I. God and Ethics

Many theists have been NL theorists; noteworthy examples include Augustine, Aquinas, and C. S. Lewis. The NL theory provides a view of the relationship between God and ethics that contrasts sharply with Theological Voluntarism (TV), so let's briefly consider TV:

TV: Something (e.g., an act, motive, or character trait) is right or good if, *and simply because*, the almighty Creator approves of it; and something is wrong or bad if, *and simply because*, the almighty Creator disapproves of it.⁵

There are many objections to TV. The most famous objection is this: suppose the almighty Creator approves of, say, child abuse or torturing people just for the fun of it. According to TV, such acts would then be right. But it is extremely implausible to suppose that such acts could be right. So, TV is surely false.

Defenders of TV might reply, "But God would never approve of child abuse or of torturing people just for fun." Unfortunately, this reply misses the point. Given TV, if God did approve of such acts, they would be right. God would have done nothing wrong in approving of them. God's approvals and disapprovals are the ultimate standard in ethics. Furthermore, even if God currently disapproves of child abuse, nothing prevents God from approving of it in the future. Ethics is entirely dependent upon God's will.

A second objection runs as follows: When God approves (or disapproves) of some act (character trait, etc.), does God do so for a reason (or reasons)? It is natural to suppose that the answer is "Yes." But then, contrary to TV, the act (character trait, etc.) is not right (or wrong) *simply because* God approves of it (or disapproves of it). It is surely the reason (or reasons) that make the act (character trait, etc.) right, good, wrong, or evil, as the case may be. On the other hand, if God's approvals and disapprovals are not backed by reasons, then they are purely arbitrary; they are, in effect, divine whims. But ethical decisions are the most important, or among the most important, decisions we make. Can ethics really depend in the end on mere

whims? God approves of “Loving thy neighbor” but God might just as well have approved of “Hating thy neighbor”—there’s no *reason* why God approves of love over hate? That’s hard to believe.

Here is a third objection: TV asserts or assumes that *whatever an almighty Creator wills (or approves) is right*. But why should we accept this proposition? Is it supposed to be a necessary truth, like “No circles are squares” or “All husbands are married”? (A necessary truth is one that cannot be false under any possible circumstances.) The problem is that there is no obvious logical connection between “An almighty Creator wills (approves) X” and “X is right.” This is underscored by possible substitutions we might make for X, e.g., racism, sexism, child abuse, adultery, etc. (Keep in mind that there are no limits on what an almighty Creator might will or approve given TV, for there is no moral standard independent of God’s will.)

Finally, proponents of TV apparently presuppose that there can be no moral law without a personal lawgiver, i.e., a person in authority who issues a command. They apparently regard “There is no moral law without a personal lawgiver” as a necessary truth. But critics of TV question this claim. Instead, many of them would claim that there are necessary truths about right and wrong, such as, “It is wrong to intentionally inflict intense pain on a person without his or her consent and merely for sadistic pleasure.” From this perspective, an act can be morally wrong even though it has not been forbidden by a personal lawgiver.

The claim that some truths about morality are necessary truths is controversial, but very important in this context, so let us stop a moment to examine it more carefully. It is often assumed that truths about morality depend on the existence of human beings, and hence are merely contingent truths (i.e., true but not necessarily true). This line of reasoning might be summed up as follows: “Surely there would be no moral truths if there were no humans. But humans do not exist of necessity. In fact, we know there was a time when there were no humans. And it makes no sense to suggest that there were truths about right and wrong before humans came into existence.” But this line of thinking overlooks the apparent fact that moral truths can be conditional (if-then) in nature. Think about it like this. Suppose we describe an action that we consider to be clearly wrong. We make a list of all the features that make the act wrong, for example:

- a. The agent inflicts intense pain on another person,
- b. The agent does so *intentionally*,
- c. The agent inflicts the pain knowing full well that doing so is against the will of the victim,
- d. The agent inflicts the pain *merely* because he enjoys making the victim suffer. (The pain is not deserved, nor is it an unavoidable side-effect of beneficial surgery, etc.)

Now, it is very plausible to suppose that any act having all of these features is wrong. In fact, it seems clear that no act having all of these features *could* be morally permissible. But then it apparently follows that there is a necessary truth along these lines: “If human beings exist, then any action having features (a), (b), (c), and (d), is wrong.” (Keep in mind that a conditional is hypothetical in nature. So, this conditional does not imply that humans exist and it can be true even if there are no human beings.)⁶

But if there are truths, don’t they have to be put into human language? And if so, don’t all truths depend on the development of human language(s)? Here we must distinguish between sentences and propositions. Consider the English sentence, “Grass is green” and its German equivalent, “Das Gras ist grün.” In their ordinary uses, these sentences express the same truth (or

falsehood). Sentences belong to a human language—in this case to English and German, respectively. But propositions do not belong to any human language; they are simply truths or falsehoods. And they may or may not be expressed in human language. The geometrical truth expressed by “No circles are squares” (using the words with their ordinary meanings) would hold even if had not been expressed in any human language. So why couldn’t there be truths about morality that have not been expressed in any human language? It seems there could be.

But aren’t moral truths dependent on human nature? And isn’t it at least possible that human nature will change as humans evolve? And if so, aren’t all moral truths contingent truths, and hence not necessary after all? Granted, human nature may change over time. But then, instead of talking about human nature, we can talk about creatures having the needs and capacities that are *currently* characteristic of human beings. We can then rephrase the above argument. If we do that, we will again wind up with conditionals that appear to be necessary truths about morality—that is, truths about right and wrong for creatures having the needs and capacities *currently* characteristic of human beings.

These objections to TV have led some to suggest an alternative view that makes a *loving* God’s commands the source of moral obligation:

The Divine Command Theory (DCT): An act is obligatory if, and because, it is commanded by a loving God; an act is wrong if, and because, it is forbidden by a loving God.⁷

DCT seems clearly to avoid the first objection to TV. A *loving* God would not command cruel acts such as child abuse and torturing people just for fun. DCT also seems to get around the third objection to TV because it is plausible to suppose that if an omnipotent, omniscient, and *perfectly loving* God commands X, then X is right. Nevertheless, DCT faces quite significant objections.

First, we still have to ask whether divine commands are issued for reasons. If they are issued for reasons, and the reasons are good reasons, then it is plausible to suppose that the reasons are sufficient to make the action obligatory (or wrong, if the act is forbidden). From this perspective, acts are *not* obligatory (or wrong) *because* God commands (or forbids) them, but because of the relevant reasons. Indeed, the acts would seem to be obligatory (or wrong) even if God did not issue any commands at all.

On the other hand, if the divine commands are not issued on the basis of reasons, then, once again, the commands are arbitrary. But why would a *loving* God place restrictions on our behavior for no reason at all? The suggestion seems to make no sense. (Imagine a Deity who says, in effect, “While there is admittedly nothing inherently problematic about murder, stealing, and adultery, I absolutely forbid you to do such things!”) Similarly, if divine commands are based on weak reasons, we have to ask, “Why would a loving God restrict our behavior on the basis of weak reasons?” Wouldn’t that amount to demanding that we “jump through hoops” unnecessarily? It would seem so, and such demands would not seem to be loving—rather they would seem to be manipulative in nature. Moreover, why would a divine command *based on weak reasons* generate a genuine moral obligation (requirement)? There seems to be no good answer to that question.

Second, the proponents of DCT, like the proponents of TV, apparently assume or presuppose that there can be no moral law without a personal lawgiver, i.e., a person in authority who issues a command. But many philosophers think that an act can be right or wrong even if it is not commanded or forbidden by a personal lawgiver. They may regard propositions such as

the following as necessary moral truths: “All hateful acts are wrong” or “It is wrong to intentionally severely harm a person without his or her consent and without a good reason.” From this perspective, DCT rests on an assumption that is false, or at best dubious.

In this connection, note that in claiming that the commands of a *loving* God create moral obligations, defenders of DCT are assuming that love is good or that love is a virtue (i.e., a good character trait). But what makes love good? The answer cannot be simply that God approves of love. That is the answer TV gives, but as we have seen, this answer implies that morality is arbitrary: God might have approved of hate, in which case hate would be good. So, from the standpoint of DCT, it seems that love is necessarily good—it cannot be bad or evil or morally neutral. (We are speaking here, of course, of the type of love that involves caring about what is in the best interests of others.) But then it seems that, from the perspective of DCT, “Love is good” is a necessary truth: like “ $1 + 1 = 2$ ” it cannot be false under any possible circumstances. But a critic of DCT might agree that “Love is good” is a necessary truth, and on this basis alone infer that hateful acts are wrong acts, thus questioning the need to ground moral obligation in divine commands. Indeed, a non-theist might agree that “Love is good” is a necessary truth and question whether morality needs any basis in theology at all.

Finally, suppose God issues no commands applicable to a certain action or type of action, say, child abuse. In such case, DCT implies that the act (or type of act) is neither obligatory nor wrong. But wouldn’t child abuse be wrong even if God had issued no applicable commands? Defenders of DCT might reply that “Love thy neighbor” rules out child abuse and God has commanded us to love our neighbors. But this reply misses the point of the objection. A theory of ethics can reasonably be criticized for what it implies about hypothetical situations, i.e., situations that haven’t occurred but conceivably could. And according to DCT, God issues commands freely (God is not forced or obligated to do so); therefore, it seems *possible* that God would issue no command concerning child abuse, in which case child abuse would not be wrong, according to DCT.

Now, defenders of DCT might reply that it is inconceivable that a *loving* God would fail to issue commands about child abuse. But why is that inconceivable? Remember, according to DCT, the fact that an act is very unloving or even hateful does not make it wrong. A type of act is wrong *only if* (and because) God commands us not to do it.

Very well, TV and DCT are problematic views. But what is the relation between God and ethics according to the NL theory? Fundamentally this: God chooses to bring into existence human beings, creatures who can act freely and on the basis of reasons.⁸ These creatures have certain characteristic capacities (e.g., the power to think rationally and the power to make choices) and characteristic needs (e.g., for food, drink, companionship, creative activity, etc.). By bringing creatures of this type into existence, God creates beings that have moral obligations; it cannot be otherwise for such beings can mistreat one another. Humans can deliberately deny others the good things needed in order to flourish (i.e., to be what humans were meant to be). For example, humans can be denied adequate food and drink, and thus be deprived of health. Or they can be severely injured and thus deprived of the ability to walk, to speak, or even to think (in the case of brain injury). They can be denied the liberty to form friendships. And of course they can be killed, and thus deprived of life itself.

According to theists who endorse the NL theory, humans cannot truly flourish or be fulfilled without companionship with God, their Creator. It is bad for a human being to be alienated from his or her Creator. Thus, true human flourishing must be described, in part, in theological terms.

It must be stressed that NL theorists do not regard human flourishing or fulfillment as a matter of mere subjective opinion. To put this point negatively, it is quite possible for a person to be mistaken about what is in his own best interest or in the best interest of others. Flourishing or fulfillment essentially involves three things:

- a. Having one's genuine needs met. (Here we must distinguish between genuine needs and mere wants or desires.)
- b. Having well-functioning capacities of the sort characteristic of human beings. (The relevant capacities include, for example, the ability to think rationally, the power to make free choices, the ability to speak, the ability to walk, the ability to see, the ability to hear, and the ability to enter into loving relationships.)
- c. Having well-developed individual talents or abilities, e.g., musical talent, athletic ability, or intellectual gifts. (Note: Since talents and abilities differ from person to person, it follows that fulfillment is *to some extent* person-relative.)

According to theists who endorse the NL theory, human beings cannot be completely fulfilled in this earthly life; ultimate fulfillment must await an afterlife in which redeemed human beings exist in harmony with God and with one another. Nevertheless, there is a kind of fulfillment appropriate to this earthly life, and we should seek it.

II. The Good

By holding that the good is prior to the right, NL theorists reject deontological theories of ethics, in which truths concerning right action are taken to be the most basic truths about ethics. The most famous deontological theory is Immanuel Kant's, in which the fundamental ethical principle is the so-called categorical imperative, which might be paraphrased as follows:

Categorical Imperative: You may perform an act only if the principle upon which you are acting is one you can coherently will everyone to act upon (in the circumstances in question).⁹

To illustrate: suppose you are considering whether to act on the following principle (or maxim): "I will borrow money and promise to pay it back while knowing that I will not be able to pay it back." Kant argued that if everyone tried to act on this maxim, no one would loan money, hence no one could act on the maxim; hence, you cannot coherently will that everyone act on it.

The point here is not that NL theorists necessarily reject Kant's categorical imperative. The point is rather that NL theorists believe that our thinking about ethics gets off on the wrong foot if we try to identify principles of right and wrong independently of truths concerning what is good, i.e., what is worth having or seeking. NL theorists regard claims about *what is good* as the most basic truths concerning the moral life.

Most of us can probably agree that many things are good (i.e., worth having or seeking), for example, life, health, food, drink, pleasure, companionship, creative activity, and beauty. But of course, human beings do not agree entirely in regard to what is good for a human being to have or to seek. For instance, theistic NL theorists insist that companionship with God, the Creator, is among the goods humans should seek, but obviously no atheist would agree with that. Bear in mind, however, that any theory of ethics is forced to make controversial claims at certain points; so it is surely unreasonable to demand that an ethical theory be acceptable to everyone.

As noted above, for NL theorists, true fulfillment consists in (a) having one's genuine needs met, (b) having well-functioning capacities of the sort characteristic of human beings, and (c) having well-developed individual talents and abilities. To borrow a word from the ancient Greek philosophers, we might call true human fulfillment "eudaimonia." The word means (roughly) "blessedness." Eudaimonia is the fundamental good to be sought. And one person's eudaimonia (blessedness or fulfillment) is as important as another's. Thus, when acting, one must take into account not only one's own flourishing, but the flourishing of everyone affected by one's action.

The idea of eudaimonia is undoubtedly somewhat vague and NL theorists are well aware that people often disagree about the nature of true fulfillment. Such disagreements cannot be eliminated; they are simply part of the human condition. But most of us would probably agree that some people have come much closer to eudaimonia than others. For example, by taking addictive drugs, one may (for a time) obtain much pleasure, but in doing so one is apt to lose out on health, knowledge, creative activity, etc. So, addictive drugs are surely not the path to eudaimonia. And one reason we find biographies and autobiographies profoundly interesting is that they enable us to think in very concrete terms about human fulfillment. They help us to think more clearly and specifically about what true fulfillment consists in. So, the search for a clearer and deeper understanding of eudaimonia is bound to be ongoing but the honest dialogue about eudaimonia can be seen as itself part of the moral life. To arrive at a viable conception of eudaimonia, we must think as clearly as we can about what our genuine needs, as humans, are; and we must also think as clearly as we can about what it takes to nurture the capacities characteristic of human beings, including our capacities for knowing, for creative activity, and for loving relationships.

Philosophers distinguish between intrinsic and instrumental goods. An instrumental good is one that is good as a means to some other good. An intrinsic good is one worth seeking for its own sake, not *merely* as a means to something else. Money is an example of an instrumental good. Money isn't worth seeking for its own sake, but it is worth seeking as the means to other good things, e.g., food, shelter, and clothing. Philosophers in the NL tradition regard eudaimonia as an intrinsic good.¹⁰ It is worth having for its own sake, not merely as the means to something else. Other goods may be intrinsically good also, however; for example, many philosophers regard pleasure and companionship as intrinsic goods. These goods may be regarded as worth seeking for their own sake but also worth seeking as a means to (or as aspects of) eudaimonia.

Some philosophers have argued that there is only one intrinsic good. For example, hedonists argue that pleasure is the only thing worth having for its own sake. And any genuine good is a form of pleasure--a "mental" pleasure if not a physical pleasure. Philosophers in the NL tradition typically do not claim that all goods reduce to one basic type, such as pleasure. As we have seen, eudaimonia plausibly consists in the possession of a variety of distinct goods, in an appropriate balance.

III. The Right

Like NL theorists, consequentialists hold that the good is prior to the right, but consequentialists also hold that we are morally obligated to *maximize the good*. Utilitarianism is the best known form of consequentialism.¹¹ Utilitarianism comes in various forms, one of which philosophers call "act-utilitarianism."

Act-Utilitarianism: An act is morally required or obligatory if, and only if, no alternative act would produce more utility (roughly, happiness) than it does.

In other words, an act is morally obligatory if, and only if, it maximizes utility. But what exactly is utility? Different utilitarians characterize it in different ways, but here is one way. An action is apt to please or satisfy some people while displeasing or dissatisfying others. To determine the utility of an action, add up the satisfaction of all those who will be affected by the action and then add up all the dissatisfaction (if any) of those affected by the action. The utility of the act is the sum of satisfaction minus the sum of dissatisfaction. Consider an example. Suppose lawmakers are voting on a bill that will raise the age when citizens can receive social security payments. If the bill passes, the retirement age will be raised and that will keep the social security system financially viable; of course a great many citizens would be pleased by that result. But those nearing the *currently* legal age of retirement are apt to be displeased if the age is raised, so they would be displeased if the bill passes. What is the right thing for the legislators to do? They must consider the sum of satisfaction for all affected if the bill passes (*minus* the sum of dissatisfaction) and compare that with the sum of satisfaction if the bill fails to pass (*minus* the sum of dissatisfaction). It is the moral duty of the legislators to vote for the bill if passing it would yield the greatest net amount of satisfaction. On the other hand, it is their duty to vote against the bill if not passing it would yield the greatest net amount of satisfaction.¹²

Unlike consequentialism, the NL theory does not require that we maximize the good. Maximizing the good may be the right thing to do in some cases, but it is not in general required. As we have seen, eudaimonia consists in (a) having one's genuine needs met, (b) having well-functioning capacities of the sort characteristic of human beings, and (c) having well developed individual talents and abilities. It does not involve *maximizing* pleasure or knowledge, or companionship, etc. Neither does it consist in obtaining *the greatest possible sum* of goods combined.

Still, there are pressing questions here for the NL theory, for example, how do we know which acts are right and which are wrong? NL theorists can approach this issue in a couple of ways. Christian NL theorists often employ "You should love your neighbor as yourself" as a master rule.¹³ A proper self-love ensures that one will seek fulfillment for oneself. But the type of care or concern one has for one's own fulfillment is to be extended to others. One person's eudaimonia is just as important as another's.

It might be replied that "Love your neighbor as yourself" is a rather vague principle that leaves many ethical questions unanswered. NL theorists acknowledge that the principle does not provide clear answers in every case. But they would make two further observations. First, our usual problem, as human beings, is not that we do not know what is right. In the course of our daily lives, more often than not, we do know the right thing to do. (We may often not *want* to do the right thing, because doing so takes effort and sacrifice, but that's a different matter altogether.) Second, it is most unlikely that any ethical theory can provide us with a set of formulas that will give us the correct answer to all questions about right and wrong. It is simply unrealistic to expect any ethical theory to meet this demand.

But NL theorists have more to say about our knowledge of right and wrong. They stress that human beings cannot achieve eudaimonia unless they cultivate certain moral virtues.¹⁴ The virtues are character traits, habits of thinking and/or acting. Examples include wisdom, moderation, courage, justice, hope, and love. Wisdom is the knowledge of what is important and how to achieve it. Moderation is the trait or habit of avoiding extremes or excess, e.g., in eating or drinking. Courage is a proper tendency to endure in the face of pain or danger. (The word "proper" is needed here to distinguish courage from foolhardiness, on the one hand, and from

cowardice on the other.) Justice is the trait or habit of giving to each person what he or she is due. It involves respecting others' rights. Hope is the opposite of despair; it is the habit of expecting realistic but positive outcomes. Love is a tendency to act in the best interests of others (as well as oneself).

Fairly obviously, some people are much more virtuous than others. NL theorists typically claim that the more virtuous a person is, the more apt he or she is to know what is right. And they might suggest the following as guides to identifying right and wrong acts: (1) A morally obligatory action is one that a virtuous person would characteristically perform (in the circumstances in question) and that he/she would feel guilty about if he/she did not perform it. (2) A morally wrong action is one that a virtuous person characteristically would not perform (in the circumstances in question) and that he/she would feel guilty about if he/she did perform it.

What exactly *makes* an action obligatory? Roughly speaking, an action is obligatory if *and because* it promotes the end (or telos), eudaimonia. But whose eudaimonia? Not just the agent's, of course. The eudaimonia of everyone affected by the action must be taken into account. And no one's eudaimonia is more important than anyone else's. Perhaps the best way to specify the end or telos is to note that it is achieved through loving one's neighbor as oneself. If we honor this principle, we are apt to seek the appropriate balance of goods for ourselves and for others.

IV. Objections

Whatever its strengths, the NL theory has been criticized in many different ways. Let us now consider some of the main objections to it.

First, defenders of TV often claim that the NL theory sets up a moral standard independent of God's will, and thus a standard by which God may be judged. And this, they claim, is theologically unacceptable. Now, it is true that the NL theory posits a moral standard independent of God's will. God cannot make just any act right (e.g., child abuse) simply by willing that it be performed. But it is by no means obvious that this is theologically unacceptable. Note that DCT also posits a moral standard independent of God's will, namely, God's love. To posit a standard independent of God's will is not necessarily to posit a standard independent of God. One might claim that God is necessarily loving (cannot fail to be loving) and that love is necessarily good. From this perspective, there is no moral standard *independent* of the love of God. And since love involves caring about the good for others, God's love itself ensures the importance of eudaimonia. You cannot love a human being if you do not care about his or her ultimate fulfillment.

Second, defenders of DCT often claim that the NL theory makes God dispensable to ethics, for atheists can accept the NL view. It is true that non-theists can endorse a version of the NL theory, but it is not clear why this should lead anyone to reject *every* version of the NL theory, especially given the objections to TV and DCT. The real issues here are "Does God exist?" and "Do human beings need companionship with God?" Traditional theists answer both questions in the affirmative, of course. And so they will hold that non-theistic forms of the NL theory are incomplete and flawed. But even if we grant that there are incomplete or flawed versions of the NL view, this does not give us a good reason to reject every version of it.

Third, defenders of DCT may claim that NL theory makes human fulfillment the highest value, but, from a theistic perspective, the glory of God is the highest value. Here NL theorists will respond that God's primary moral attribute is love. And in the nature of the case, a loving being cares about the flourishing of others. So, in our treatment of other people, it is entirely

appropriate for us to focus on their flourishing. Indeed, this is what a loving God requires of us. There is no conflict between loving one's neighbor and loving God. The two go hand in hand.

Fourth, the defenders of DCT may claim that NL theory renders divine commands superfluous. We humans can figure out which acts promote flourishing on our own; we don't need divine commands or instruction. This charge is false for several reasons. (a) Since humans sometimes disagree about which acts promote eudaimonia, it helps to have an explicit command from God. (b) Even if we humans *can* figure out what promotes eudaimonia, doing so might take a long time. So, again, it helps to have clear instruction from God. (c) Having divine commands is a bit like having an answer key in a textbook on mathematics. I may think my answer is correct but my confidence increases substantially if my answer is the same as the one in the answer key.

Fifth, it may be claimed that the NL theory, by focusing on human fulfillment, is unable to give a proper place to making great sacrifices for others. For example, if my nation is attacked, I may refuse to take part in the fighting because I might lose my life or be severely injured, thus undermining my chances of fulfillment. NL theorists can respond to this objection in three ways. (1) The NL theory certainly does not tell me to focus simply on my own fulfillment. The fulfillment of others is just as important as my own, and I will often have to make sacrifices to help other people. Again, the master rule is, "Love thy neighbor as thyself." (2) Human beings cannot flourish in isolation; they *must* live in community if they are to flourish. But there can be no well-functioning community unless most of the members have a significant degree of moral virtue. Paradoxically, then, we must be prepared to make sacrifices for the sake of the community if we are to flourish as individuals. (3) Theistic NL theorists will emphasize that ultimate fulfillment cannot be achieved in this earthly life, only in the life after death. Depending on the circumstances, one may need to make great sacrifices or even lay down one's life for others, thus losing out on earthly fulfillment at least in part; but doing the right thing will never come at the cost of one's ultimate fulfillment in the life after death.

Sixth, some may claim that even if the NL theory tells us to do the right thing, it tells us to do it for the wrong reason; *for even if we make sacrifices for others, the sacrifices are temporary and will help to secure our ultimate fulfillment in the life after death*. Now, given the NL theory, it is true that doing the right thing will never cause us to lose out on our ultimate fulfillment in the life after death. But it does not follow that we should constantly be thinking about our ultimate fulfillment as we make ethical decisions. Loving others involves caring about what is good for them because their eudaimonia matters just as much as my own. If I am often helping others but only because I think that doing so will "get me into heaven," my moral motivation is indeed flawed. I should help others simply because doing so is loving and right. On the other hand, would God be a God of love if God allowed those who make sacrifices for others to be cut off from ultimate fulfillment precisely because they've made such sacrifices? Surely the answer is "No." So, according to the NL view, we live in a world in which being moral will *never in the long run* penalize us—we have that assurance, but on a daily basis we need to think about the needs of others, and not simply about our own ultimate fulfillment.

Seventh, there is a problem with any system of ethics that tells us to promote some end. We cannot know the long-term effects of our actions and sometimes we seriously miscalculate even the short-term effects of our actions. Perhaps I save a child's life but he grows up to become a vicious criminal. I thought I was promoting eudaimonia, but really my act was on balance destructive of human fulfillment. This objection may force a refinement in the NL view. We can certainly distinguish the intended (and reasonably expected) consequences of our actions

from the actual consequences. And so NL theorists might hold that if an action is morally required, then it is one in which the *intended (and reasonably expected)* outcome contributes positively to eudaimonia for all those affected (insofar as possible).¹⁵ We cannot be held responsible for the completely unpredictable and unintended consequences of our actions.

Eighth, defenders of TV often appeal to certain Bible passages to support their view. These are Bible passages in which acts we normally think of as wrong are given divine approval. For example, in Genesis 22 God reportedly commands Abraham to sacrifice his son, Isaac. We would normally consider such an act an extreme form of child abuse. In 1 Samuel 15: 3 God is said to command genocide: “Now go and smite Amalek . . ., do not spare them, but kill both man and woman, infant and suckling . . .”. We would normally judge any nation behaving this way in war to be guilty of very serious violations of human rights. And in Leviticus the Lord reportedly gives this commandment: “The daughter of any priest, if she profanes herself by playing the harlot, profanes her father; she shall be burned with fire” (21: 9). We normally consider burning someone to death an unconscionably cruel form of punishment.

Defenders of TV often claim that their view is the only one that can make sense of these rather shocking Bible passages. Yes, human sacrifice is normally wrong, as is genocide, and burning someone to death; but if God wills such things on occasion, they are on that occasion right. No other ethical theory can accommodate these passages.

Defenders of the NL theory can respond in two basic ways. (A) They can try to argue that under special circumstances the acts in question are right. Thus, they may argue that the genocide of the Amalekites was just punishment because the Amalekites were very wicked. God simply gave the Israelites the task of administering that punishment. But many find such attempts to explain the passages both implausible and offensive. It is also far from clear how this approach can be applied in every case, e.g., how would it apply in the case of Abraham and Isaac, or in the case of burning a prostitute to death?

(B) A second response begins with the simple observation that the Bible seems to say very different things in different places. And in some cases, intellectual honesty forces us to admit that there is no reasonable way to reconcile the differences. We are forced to privilege some passages over others, if we are to have a consistent theology. And we certainly should not allow the occasional puzzling passage to overturn major biblical themes, such as God’s love and justice. Two further points support this response.

From a Christian perspective, each part of the Bible has a kind of dual authorship, for the books of the Bible are inspired by God but written by human beings. Moreover, the books of the Bible were not dictated by God; rather, they reflect the time and place of their origin and the personalities of their human authors. And with human authorship comes the possibility of misunderstandings, distortion, and error. Consider, for example, the imprecatory psalms, in which the psalmists pronounce curses on their enemies or on those regarded as enemies of God. Thus, Psalm 137 closes with this sentiment regarding the Babylonians, who had conquered the Israelites and taken them into captivity: “Happy shall he be who takes your little ones and dashes them against the rock!” (verse 9). While the bitterness of the conquered understandably gives way to hatred, surely no Christian can suppose that brutally killing babies is a proper response to one’s enemies. The psalmist’s desire for revenge is understandable, but the sentiment he expresses is morally misguided from a Christian point of view. So, when we are confronted with morally troubling biblical passages, we must carefully reflect on what God is trying to teach us, and in some cases consider the possibility of misunderstanding or error on the part of the human

author. This requires that we take into account the whole of the Bible and not let the occasional odd or shocking passage determine our theology.

Furthermore, Christian theologians have typically insisted that the Old Testament must be interpreted in the light of the New Testament and the revelation of God in Christ. (If Jesus Christ was God-incarnate, then the love of Jesus was literally divine love manifest in the flesh.) For example, as William Hasker points out, “in most of the Old Testament the destiny of all human beings, good and bad alike, was conceived to be Sheol, a place of shadowy existence not dissimilar to the Greek Hades.”¹⁶ Yet, we are given a very different picture of the afterlife in the New Testament. So, it seems that, from the standpoint of Christian theology, we must allow the New Testament to replace or correct certain Old Testament understandings. And when taken at face value, the Old Testament at times presents God in an unfavorable light. In places it may present God too anthropomorphically, i.e., as too much like a human being (e.g., Genesis 3:8 speaks of “the sound of the Lord God walking in the garden . . .”). In other places the Old Testament may present God as cruel and unloving. In such cases, we must not allow Old Testament passages to undermine the view of God provided in the New Testament (and in the life of Christ). From this perspective, it is a mistake to demand that ethical theories be reconciled with every Old Testament passage, taken literally and at face value.¹⁷

To sum up, the NL theory provides an intriguing view of the relationship between God and ethics. It also occupies an interesting middle ground between deontological and consequentialist theories of ethics. And while critics have offered many objections to the NL theory, its defenders are not lacking in resourceful replies.¹⁸

Endnotes

1. Craig A. Boyd and Raymond J. VanArragon, "Ethics is Based on Natural Law" in Michael L. Peterson and Raymond J. VanArragon, eds., *Contemporary Debates in Philosophy of Religion* (Maldon, MA: Blackwell, 2004), 305-306.
2. This point is borrowed from Murphy, Mark, "The Natural Law Tradition in Ethics", *The Stanford Encyclopedia of Philosophy* (Winter 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2011/entries/natural-law-ethics/>, 2.
3. *Ibid.*, 5.
4. *Ibid.*, 5.
5. For a defense of Theological Voluntarism, see C. F. Henry, "The Good as the Will of God," in William K. Frankena and John T. Granrose, eds., *Introductory Readings in Ethics* (Englewood Cliffs, NJ: Prentice-Hall, 1974), 95-99.
6. The argument of this paragraph is borrowed from Richard Swinburne, "What Difference Does God Make to Morality," in Robert K. Garcia and Nathan L. King, eds., *Is Goodness without God Good Enough?* (NY: Rowman and Littlefield, 2009), 151-155.
7. The best known proponent of the DCT is Robert Merrihew Adams, *Finite and Infinite Goods: A Framework for Ethics* (Oxford University Press, 1999), 231-291.
8. Murphy, *op. cit.*, 2.
9. "Act only on that maxim through which you can at the same time will that it should become a universal law" Immanuel Kant, *Groundwork of the Metaphysic of Morals*, trans., H.J. Paton (NY: Harper and Row, 1964), 88.
10. Shawn Floyd, "Thomas Aquinas: Moral Philosophy" *Internet Encyclopedia of Philosophy*, James Fieser and Bradley Dowden (general editors), URL = <http://www.iep.utm.edu/>, 3.
11. The most famous utilitarian is John Stuart Mill. See his *Utilitarianism* (NY: The Bobbs-Merrill Company, 1957).
12. In some cases, we are forced to choose between acts each of which will produce more dissatisfaction than satisfaction. In such cases we should choose the act that will produce the least (net) amount of dissatisfaction. In case of "ties," we may perform any of the acts for which no alternative has greater utility.
13. Murphy, *op. cit.* 9.
14. Floyd, *op. cit.*, 1.
15. Note that this is not a biconditional. If an act is one in which the *intended (and reasonably expected)* outcome contributes positively to eudaimonia for all those affected (insofar as possible), it might not be obligatory or even permitted. For example, there might be cases in which an act is one in which the intended (and reasonably expected) outcome contributes positively to the eudaimonia of all those affected (insofar as possible), but there is another act which takes no more effort or sacrifice on the part of the agent and would contribute far more positively to the eudaimonia of all those affected. While NL theory does not require that one always maximize good outcomes, there can still be cases in which one is at fault for not promoting more positive outcomes.
16. William Hasker, "Has a Trinitarian God Deceived Us?" in Thomas McCall and Michael C. Rea, eds., *Philosophical and Theological Essays on THE TRINITY* (Oxford: Oxford University Press, 2009), 42.
17. This paragraph owes a heavy debt to Richard Swinburne, *Was Jesus God?* (Oxford: Oxford University Press, 2008), 144-148. I am not here suggesting that the Old Testament *overall* gives us a picture of an unloving or unjust God. God's love and justice are major Old Testament themes. Still, there are some very troubling passages in the Old Testament that apparently conflict with the claim that God is loving and just, and this ought to be admitted, it seems to me.
18. I wish to thank Leland Saunders, Rebekah Rice, and Patrick McDonald for helpful comments on an earlier draft of this essay.