UNIT 1   NATURAL MORAL LAW

Contents

1.0   OBJECTIVES

In this unit, we shall focus our attention on moral consciousness, the residue of the natural moral law, and the data of moral consciousness. As part of our discussion we shall present the contrary views to the natural moral law especially those of Sartre. In the end we shall discuss the relationship between human order and the moral order.

1.1   INTRODUCTION

Often moral consciousness and moral experience are used in a synonymous sense. But we prefer to distinguish between consciousness and 'experience'. 'Experience' is whatever affects us in general (from Latin '*experiri*'). This can be an emotion (like love or hatred), active or passive (like love for a person or love of a person). We can speak of growth in knowledge as an experience ("noetic experience"). No matter what the source is, whether external or purely internal, it leaves its imprint on human person. Various experiences add up to human person's total experience of himself as a human person and form his human personality. But human person is not always aware of what has so affected him/ her in the past or even is affecting him/her in the present. Some long-forgotten experience, now buried in the 'unconscious' (e.g. his/her upbringing by loving or unloving parents during the first few years of his childhood), may be affecting him and his behaviour here and now without his being aware of it. More generally still, human person is not always aware of what he really is, of his talents and capabilities, of the potentialities of his mind, heart and will. It is only when he becomes so aware that we can speak of consciousness.

It might very well be that 'human consciousness' is never total. (One could perhaps say that it can be so in the highest stages of 'mystical' experience.) In any case, it can progressively develop. And it can do so by study, reflection and 'meditation'. This process of development (or of 'interiorization') can be facilitated by such people as the psychologist, the philosopher, if need be the psychotherapist, and, above all the spiritual master.

Now, though human consciousness, or 'self-consciousness' is an integral whole, we can – for purpose of study – distinguish in it different components. We are not referring here to those levels of the human psyche as described for example by Freud or Jung (the 'Superego', the 'Ego', the 'ID' and, according to the latter, the 'collective unconscious'). We are more simply referring to 'fields' of human consciousness, like the noetic consciousness, the aesthetic consciousness, moral consciousness etc. We can distinguish one such field from another, and characterize each one of them, by their formal object. Hence, we could say that the formal object of noetic experience is 'truth,' of aesthetic consciousness 'beauty' and that of moral consciousness 'rectitude' (or 'the right,' 'the right thing to do').

Such concepts as 'truth,' 'beauty' and 'rectitude' are pregnant words. They contain in themselves a wealth of meaning. And it is only by calm reflection that one can sort these out. And it is what we are going to attempt to do now – to sort out the wealth of meaning contained in the concept of moral rectitude. Or better still, we are going to try to bring out to our fuller awareness the elements or data of our moral experience. This passage from experience to consciousness is a kind of transit from the implicit to the explicit, from the non-thematic to the thematic, or simply, forms the dimly and vaguely felt to the clearly and plainly apprehended.

At this stage of our reflection, we shall content ourselves with simply listing these data of moral consciousness. We shall pass some general remark where it seems useful, reserving for later – in our second section – a full philosophical inquisition on their meaning and implications. To distinguish what is purely 'subjective' to each one of us from what can be said to belong 'objectively' to every (normal) human person, we shall have to constantly take into consideration the experience of other human persons as far as we can gauge it both form our study of history and especially from our knowledge of other people in our everyday contact with them.

1.2 THE DATA OF MORAL CONSCIOUSNESS

Surely the most immediate datum is that there are certain actions which are 'good' and which one may do, and certain actions which are 'bad' and which, therefore, one may not do. To put it simpler, some actions are allowed, some not. The more immediate or 'primary' the datum is, the more, it needs explanation. What is 'primary' here is not what these actions are, but the fact of this distinction. We learn from our own experience and that of others, that human persons can sincerely differ as to what actions are 'good' or 'bad'.

What we are saying here corresponds to the scholastic tenet that "the good is to be done and evil to be avoided" is the first immediately known principle of practical reason. We shall explain later what 'practical reason' is. However we would like to point out here that, according to us, in the most immediate datum of moral consciousness, the 'good' (as well as 'evil') are always concretized in certain 'good actions' (or 'evil actions'). 'Good' and 'evil' in amount of reflection on one's moral experience.

Again, nothing is said about how one comes to the awareness of such a distinction (e.g. parental influence, education, etc.) and therefore whether it is philosophically to be retained or rejected. This we shall have to examine later. But the fact that human person, from time immemorial (as far as we have records to judge by), in

all the different cultures, has made it – and especially that such a distinction cannot be denied without self-contradiction – proves that it is an ineradicable datum of moral consciousness.

Among 'good actions,' some should be done (absolutely brooking no excuse), others should be done only conditionally (depending on certain circumstances of person, time and place) and still others are left to be done optionally (but which may still deserve the highest praise if done). Conversely, among 'bad actions', some should be avoided absolutely, others conditionally. Here again, nothing is said what these actions are even though actions in moral consciousness are always 'concretized in its most immediate apprehension. What one is made aware of is this 'feeling' of 'should' – implying a sense of obligation, of constraint, which is imposed as it were, on us whether we like it or not. However, this sense of constraint is very much unlike that of physical force or psychological compulsion. It leaves us completely free whether to comply or not. This feeling of moral freedom we now accept at its face value.

The 'sense of the absolute should' is not something of our own making, left to our own subjective choice. Unlike in other cases where we can freely 'oblige' ourselves (e.g. when we give a solemn promise), here we find ourselves 'obligated' before any decision of ours. And if this 'absolute should' is not purely subjective, it is somehow 'objective'. This datum is intimately linked with the former. It simply brings out the 'objectivity' of the sense of moral obligation.

No less clearly I feel that this sense of absolute should apply not only to me, but to every human person. If I understand that such and such an action is an absolute should' for me, it is an 'absolute should' for anyone who understands it the same as I do. In other words, this 'absolute should' imposes itself not only on me but on every human person, universally. Remember that we are not saying which actions in the concrete every human person understand to be universally obligatory. But this sense of the 'universality' of the 'absolute should' is 'given' in the moral consciousness as clearly as its 'objectivity'. Indeed, they are as immediate as the sense of the 'absolute should' itself; two of its essential aspects, so to say.

Another datum of moral consciousness is that what is 'right' should be done because it is right. In other words, the 'right' imposes itself on me as its own ultimate end. This needs some explanation. It is immediately clear that if I do what is in itself right but out of a bad motive, I am not really doing what is 'right'. But this is not the point. Even if the motive is not bad (e.g. religious motive), unless I, reflective or not, understand that so to act out of this motive I to act rightly, I am not acting rightly. Hence no matter how many motives I may have for my action (immediate, mediate motives), unless my ultimate motive is right, my action is radically vitiated.

One of the most immediate data of moral consciousness is the sense of 'satisfaction' when one does what one thinks to be right and the sense of 'guilt' when one does what one thinks to be 'wrong'. And this independently of, indeed often in spite of whether other people praise or blame one. And, conversely, I find myself approving and praise others for doing what I think is right, and condemning and blaming them for doing what I think is wrong. In the light of modern psychology, much can and has to be said about this sense of 'guilt'. We

shall have to discuss it later. But notice that what is more important here is not so much this sense of 'guilt' but this passing of value judgments on my actions as well as on those of others, and consequently on myself as well as on others. But if we take this datum to its face – value, we find ourselves holding ourselves and others responsible for the actions we and others perform.

1.3   THE FOUNDATION OF THE MORAL ORDER

We have spoken of a 'moral ideal' as an ideal human behaviour' as human behaviour as it should be'. A 'moral ideal' is a 'moral value'. We have pointed out, however, that in the language of the philosophy of values, 'value', unlike the more generic 'good', is something specific and concrete and that is why it is generally used in the plural. And this not only to distinguish between 'infra-moral' and 'moral' values, but also to specify 'moral values' among themselves. And in fact, human 'behaviour' is made up of specific actions. And it is actions which are primarily judged morally good or bad. A 'good' human person is a way whose actions are good. A morally 'good' feeling, habit, virtue, intention, motive, wish, etc. is said to be 'good' with reference to a corresponding action or actions. Hence, we can speak of 'moral values'. By 'moral order' we simply mean the 'totality of moral values.' Now, the question which we are here asking ourselves is this: does each can, in fact and by right, create his own moral values (idealize for himself what his human behaviour should be), or does he, in fact and by right, does so on the basis of some reality? In other words, we are asking whether there is some reality which in fact and by right serves human person as basis, or foundation, for his moral values.

This question is indeed a pregnant one – for it contains within itself many other questions. Two questions are explicit: the question of fact (whether there is in fact such a foundation, whether human person does in fact, consciously or unconsciously , build his moral values on it), and the question of 'right' (whether there should be such a reality, whether human person should build his moral values on it). But other questions are implicit (e.g. if there is such a foundation, is it the same foundation for all men at all times? Even if human person were to build his moral values on this foundation, how is he to know that such and such is a 'moral value' in the first place?). For purpose of study and philosophical reflection, we have carefully to distinguish one question from another. If the implicit questions are perhaps more immediately practical, we have first to find an answer to what may seem more theoretical questions. It is the 'theory' which determines the 'practical'.

Our study of human person, culled both from our own observation and form a study of ethnology, sociology, history, psychology, etc. may lead us to think that there is, at least in fact, no such foundation for moral values. Human person is, and always has been, creating his own moral values. What one could say is that he is only 'conditioned' in doing so by the mentality of the group he lives in, by contemporary social mores and customs, by his religious culture, etc. the 'ideal human behaviour' of a human person belonging to a head – hunting tribe is to kill as many of his enemies as possible and thus to collect as many skulls as possible.

However, the divergence and variability of moral values, at different times and places, is irrelevant to the question we are raising here. It will be relevant later.

For this divergence and variability of moral values may be based on the same foundation – if such a foundation exists. We know by experience that two diametrically opposed moral actions (one which we consider 'good' and the other 'bad') could be motivated by the same motive, for example. Because I love my mother who is in agonizing pain and for whom doctors have given up hope, I may want, certainly to diminish her pain but to prolong her life as much as possible; another motivated by the same love, may decide to allow doctors to practice euthanasia on her. Now, if the same motive – which is a subjective intention - can serve as basis for different human actions, is there a same foundation – an objective reality – which does in fact serve as a basis, or foundation, for moral values irrespective of their divergence and variability? This is the question we are asking here.

Check Your Progress I

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1)   What do you understand by 'the Absolute Should'?

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2)   How do I understand moral ideal is a moral value?

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1.4   EXISTENTIALIST HUMANISM

Jean Paul Sartre is the philosopher who has perhaps best succeeded to give expression to a certain way of feeling and thinking with regard to the question we have raised. Surely the way he articulates the problem and the philosophical terminology are peculiarly his, but the problem itself is human and the solution a common one. This is why we have chosen to speak of him in a particular way. In his best-known book *Being and Nothingness*, Sartre devotes only three out of seven hundred pages to the moral question. The book, as is clear from the title, is concerned with ontology. His moral theory is summarily presented in a little, but no less well-known book *Is Existentialism a Humanism?* and his various plays. However, as is always the case with moral philosophers, his moral stance depends on his ontological one. For Sartre there is and cannot be an objective foundation for moral values. This objective foundation could only be a 'realism of essences' created by God. But God does not exist. Existentialism (understand atheistic existentialism) "is not so atheistic that it wears itself out showing that God does

not exist", but taking the non-existence of God for granted, it tries to draw all possible conclusions from a logically coherent atheism.

If there are no pre-existing essences on which to build a moral order and no pre-existing norms according to which human person can pass moral judgment he/she is free, and left on his/her own to create his/her own moral values. It is not that Sartre does not acknowledge a certain universal form of Ethics, which permits him to pass both a logical and moral judgment on himself and on others, but that this universal form is based on human freedom itself. But what counts is the element of invention and the knowing whether the invention that has been done has been done in the name of freedom. Like the artist with no re-existing norms to tell him what and how to create aesthetic values, human person must invent his own moral values. A person who fails to recognize his freedom and always bring excuses for his behaviour (psychological, religious, social, etc.), Sartre calls such a person a *salaud* (a bastard)

Sartre defends his moral stance against the accusation that it is inhuman. For Sartre his existentialism is indeed humanism in the sense that it alone can promote the dignity of human person which consists precisely in human freedom. And human person is responsible to others in that when he acknowledges and chooses freedom he is by that very fact acknowledging and choosing freedom for others. Having no god whom to obey ("it is a pity that God does not exist", he writes) and no ready – made rules of conduct to go by indeed condemned to be free human person finds himself alone jettisoned in the world a useless passion in an absurd world but it is precisely this anguish which is at the root of that existential despair when he comes to choose freedom for himself and others and thus to become human person.

Human person as a conscience being is different from a thing in that he is free. A thing (which Sartre calls the *en-soi*, in-itself) is static, fixed, opaque to itself determined and therefore definable. Human person (the *pour-soi* for itself) is dynamic always in the making transparent undetermined and therefore indefinable. If human person had his essence already pre-fabricated for him he would be a thing and his human dignity would be done away with. But his essence is what he himself makes of his existence in freedom. That is why for Sartre, existence precedes his essence. And this is possible because in human person there is a gap (*faille*) between the in-itself and the *for-itself* which permits human person to be what he is not and not to be what he is. This explains human consciousness. And incidentally that is why for Sartre the very notions of God contradictory. For, God, if he existed, would have to be both and at the same time an 'in-itself' (to the extent that he would have to be the full plenitude of being and therefore admitting of no becoming) and a 'for-itself' (to the extent that he would to be consciousness of himself and free). There is a certain internal consistency in Sartre's philosophy. And as we have seen his ethical position is logically dependent on his general ontology. Hence a serious evaluation of his ethical position is not possible without an evaluation of his ontology particularly of his atheism. But this is not only out of place here but excluded by the very method we have preferred to follow in not assuming for methodological purposes the existence of God.

We have seen that Sartre does base a certain universal form of Ethics on human freedom. Human freedom is for him the foundation of the moral order for which

we are seeking. And for Sartre when you say human freedom you are simply saying human person. Can one draw the conclusion then, yes in the sense just explained not in the sense that Sartre refuses to define human person. If human person is freedom he/she is what he/she makes himself or herself. And again Sartre refuses to determine for human person what his moral values – and hence the moral order – is or should be. These are left to each human person's invention provided he invents in freedom.

Now we remark that apart from the fact that his ethical theory if pushed to its practical consequences should logically end up in moral anarchy – something which probable neither Sartre himself nor surely any right thinking person would condone – his refusal to define human person somehow or other in terms of what he shares withal other men reflects a philosophically untenable nominalism. It is true the traditional term nature of human person or that of human person's essence is redolent of certain staticism, whereas what Sartre tries to insist upon is human person's dynamism. But this is a clear instance where an emphasis on one polarity of reality unchecked and not counter balanced by an equal emphasis on its opposite polarity leads to logical absurdities. What is however a precious insight is the fact that any moral values are based founded on human person himself. We reject Sartre's exclusively individualistic outlook on human person. So we raise the question what is men?

1.5 THE HUMAN ORDER AND THE MORAL ORDER

In our analysis of the immediate data of the moral consciousness we repeatedly drew attention to the fact that we were not referring to any particular and concrete human good or bad action. Now however if we reflect on what actions we and people in general consider to be morally good or bad we notice that by far the greater number are actions which have something to do directly or indirectly with men's relations among themselves. This is amply confirmed by historical ethnological sociological studies.

There are indeed certain actions which have nothing to do at least at first sight with human persons' relations among themselves and which we call good or bad implying awareness that they should be performed or avoided. And in this sense they too can be considered moral actions. These action have got to do either with human person's relation to God (or an Absolute no matter how religiously conceived) or with human person's relation to himself/herself or finally with human person's relation to the infra-human world (animals). With regard to actions expressive of human person's relation to God we shall consider them as forming a special category by themselves. In the terminology of the philosophy of values these express religious values which are different from (and according to believers superior to) moral values so for the moment we leave them out of consideration. We shall return later to then and examine their connection if any with the latter.

With regard to actions expressive of human person's relation to the infra-human world it is true that kindness to animals for example can be looked at as a morally right quality even a virtue and its opposite cruelty to them a morally wrong one. Similarly with 'sexual bestiality', etc. but this moral qualification of 'right' or

'wrong' as applied to these actions or attitudes is only applied in this way in an analogous sense. Love, strictly speaking, exists only between humans. When I say I love my dog, I am using the word 'love' only analogically. Similarly with my other attitudes towards the animals results from the awareness that if the same behaviour is directed towards animals, shows some traits of human person's character (which is morally qualifiable). With regard to actions expressive of human person's relation to himself (e.g. self-mutilation, suicide, drunkenness, sexual self-abuse), we notice, first of all, that they are more difficult to qualify as 'good' or 'bad' than the actions which are more clearly concerned with one's relations to others. (An often given answer given by those who see "nothing wrong" in such actions is that no harm is done to anybody except, perhaps, to him who performs them. This answer in itself is significant). Secondly, if one succeeds to show that these actions too are at least indirectly related to one's relations to others (e.g. in the case of drunkenness, a drunkard my cause great financial difficulties, unhappiness and disruption to the family), it immediately becomes clear why such actions are morally qualifiable. Thirdly, a human person's relation to himself – which strictly speaking, is no 'relation' at all – can be better understood, as we hope to show, in the light of his relationship to others.

Now, what is human person? We do not mean here to make savant dissertations on human person. We simply want to put into relief one or two aspects of human person, which are very important for our ethical reflexion. 'It is certainly true that human person is an individual', that is a single, particular human being. An individual person, though logically a member of the 'species' (the human species), does not exist as a 'part' of a 'whole'. He exists in his own right. This does not afford us much difficulty to understand. But what is not immediately clear and hence somewhat more difficult to understand – is the fact that man is a 'person'. The English dictionary which gives the meaning of 'person' as 'an individual human being' thus making no difference between 'an individual human' and a 'person' is of no help here. What we mean by 'person' is human as essentially related to other human beings. The word 'essentially' is the key word. This 'relation to other men' (that is his personhood) forms an integral part of his essence, of his nature as a human being. And the more he becomes aware of his personhood and the more he lives accordingly, the more he becomes aware of himself as a human person and the more he lives as a human person.

Human person's 'personhood' is his 'social dimension' a dimension which is not superimposed on human person's already constituted being as a human person, but which is a dimension constitutive of his human being as such. It is not merely that human person needs others to be born, to develop physically, intellectually and to live a happy and useful life, but that he needs the recognition by others as a fellow human, as a 'person' therefore and not as an 'object' to be made use of by other men, to altar consciousness of himself as a human person. This is no modern discovery. The aristotelico-Thomistic doctrine has insisted all along that 'human person is a social animal'. If there is anything 'new' is the emphasis and centrality given it by modern psychology, the behavioural sciences, sociology and the personalistic philosophy.

It is this human inter-relatedness which we are here calling the 'human order'. It is not just the juxtaposition of human individuals as if these were self-enclosed individual monads, nor is it the conscious and deliberate choice of certain number of men choosing to live together in essential dependence of human person on

other human person. And from what we have already said, it is clear that this human inter-relatedness is the basis or foundation of human person's primary rights as a human person, namely to be recognized as a human person (and not as a 'thing'), as a 'subject' (and not as an 'object'). And rights of course correspond to duties. It is true, one could still ask why others should recognize him as a human person, or in other words, why is there a moral obligation for them to do so. And conversely, why one should recognize others as men, why is there a moral obligation for him to do so. If one were able to answer this question, one would be basing this foundation, so to say, on a deeper foundation. But is this question answerable?

What this question ultimately boils down to- in the light of what we have said – is why should I recognize myself as a human person? Such a question shows that the questioner, if he is seriously asking it, needs more the psychotherapist than the philosopher to answer and handle him. This recognition – in its double movement: of myself as a human person by others and of others as human persons by me – is surely basic to those 'human goods' (in modern language 'human rights') which, according to Saint Thomas, are self-evidently so, intuitively apprehended and cannot be deleted from the human heart.

Of course, no believer in God, as the ultimate and absolute 'foundation' of 'whatever is', would consider the ultimate and absolute foundation of the moral order to be anything but God. Saint Thomas too has his own way of expressing this. But the method of enquiry which we have been following necessitates the postponement of this question. However, to leave this question open, we shall content ourselves with saying that human inter-relatedness is at least the immediate ontological foundation of the moral order.

Our position corresponds to the scholastic one that this immediate ontological foundation is 'human nature adequately considered' (that is, considered in its totality, in the totality of its relationships). Surely, there is a strong divergence of opinion among scholastics themselves about some of its implications. We prefer to express ourselves the way we are, however, arises from our desire to avoid the 'staticist' connotations of the word 'nature' and above all to give primary importance, given our method of enquiry, to men's essential inter-relationship. Our way of expressing ourselves is more consonant with existentialistic and personalistic philosophy where such phrases as 'inter-personal relationships', 'inter-subjectivity', 'reciprocity of human consciences' and the like, are very commonly used.

Check Your Progress II

Note: Use the space provided for your answer

1) "Human person must invent his own values"– explain with Sartre's idea.

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2) For Sartre, why does existence precede essence?

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3) Explain the idea of human freedom for Sartre.

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4) What is human order?

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1.7   LET US SUM UP

We have underlined our observation that the more human person becomes aware of his 'personhood' (his essential relatedness to others) and the more he lives accordingly (the practical living out of this awareness of his), the more he becomes aware of himself as a human person and therefore the more he lives as a human person. We have tried to show that this is the ontological (the objectively real) foundation of the moral obligation to 'recognize' the other as another fellow human, as another 'subject', as another 'person' the same as I demand the other to do with me. We can express all this in terms of love. 'Love', however, is a 'charged' word (especially because it is emotionally involving word). But what we mean here by love is precisely this recognizing and treating the other as a 'subject' (and not as an 'object') as a 'person' (and not as a 'thing') having the same rights as a human person as I do have. To put it differently, love is to see in the other another 'I' and to do to him what I want him to do to me.

1.8   KEY WORDS

En-soi   :   A thing (which Sartre calls the *en-soi*, in-itself) is static, fixed, opaque to itself determined and therefore definable.

Pour-soi	:	A human person (the *pour-soi* for itself) is dynamic always in the making transparent undetermined and therefore indefinable.
Personhood	:	is human person's social dimension, a dimension which is not superimposed on human person's already constituted being as a human person, but which is a dimension constitutive of his human being as such.

1.9 FURTHER READINGS AND REFERENCES

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