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Book Review: Nature As Reason: A Thomistic Theory Of Natural Law

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Nature as Reason: A Thomistic Theory of the Natural Law, by Jean Porter. Grand Rapids, MI, William B. Eerdmans Publishing Company, 2005. Pp. xii and 400. \$32.00 paper.

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In her previous book, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics*, Notre Dame moral theologian, Jean Porter, collected and elucidated a rich array of medieval sources of reflection on the natural moral law. In *Nature and Reason: A Thomistic Theory of the Natural Law* she draws upon those resources to construct a positive theory of natural law that is grounded in a medieval, particularly Thomistic, conception, but is developed and extended in significant and insightful ways. The result is a substantive work of natural law theory that makes significant contributions to issues such as the interpretation of Aquinas's understanding of law, virtue, action, and practical reason; the history and interpretation of natural law thought; human rights and the natural law tradition; the relation of teleological, deontological and virtue aspects of ethics; and the relation between theological and philosophical ethics. *Nature and Reason* is a mature work; unhurried, confident, detailed, wide-ranging, and gracious to interlocutors.

Porter aims to set forth a natural law theory that is importantly distinct from much of the natural law thinking of the modern period (beginning with Hobbes and Grotius and including contemporary theorists, e.g., the "Finnis-Grisez" perspective put forward by John Finnis, Germain Grisez and others), while reflecting, broadly, the approach of Aquinas and other scholastics. (By "scholastics" Porter refers specifically to theologians and canon lawyers of the twelfth and thirteenth centuries.) I shall comment on three areas where Porter distinguishes her theory from various "modern" alternatives.

Porter sees her theory as distinct, first, in that her aim is not to discover norms that are drawn from universally self-evident principles which all persons of good will, regardless of culture or worldview, will accept. Indeed, on her view, the scholastics understood the natural law not primarily as a set of rules of conduct, but as a capacity for moral discernment, or the fundamental principles through which such a capacity operates (p. 5). Following this conception, Porter's "account of the natural law will not provide a basis for deriving moral norms from indubitable first principles. It will, however, provide a framework for analyzing, critiquing, and developing norms and practices within a context of practical concerns" (pp. 45–46). In fact, however, Porter provides more than merely a framework; she goes on to develop a substantive, albeit general natural law account of morality. But she sees more "particular moralities" or specific moral visions or value systems as the product of social reflection on the exigencies of practical life, and thus, in some measure, conventional. Indeed, according to Porter, the scholastics "rejected Aristotle's approach to natural law, according to which social norms are immediate and organic expressions of human nature, in favor of a Ciceronian approach that gives a central role to rational reflection and social construction" (p. 125; cf. pp. 8–9). Porter's aim, then, is to give a

plausible account of this approach to ethics, which honors both its natural and constructive aspects.

Second, relatedly, Porter presents an explicitly theological account of the natural law. This does not, however, involve a kind of “divine command” theory or the assumption that the natural law is relative to or only known by those who share Christian theological assumptions. Scholastic ethics presupposes a kind of ethical naturalism, on Porter’s account, according to which

human morality in all its culturally diverse forms is an expression of the distinctive inclinations and activities proper to the human animal, especially (but not only) the distinctive forms of human social behavior. As such, morality should be understood first of all as a natural phenomenon, “natural” in contrast to “transcendentally grounded” or “implicitly divine.” At the same time, human morality in all its diverse forms reflects the goodness of the human creature, and as such it is an expression of God’s will that creatures should exist and flourish—whatever we are to say more specifically about the substance of particular moralities. (pp. 126–27)

The natural moral law, on this account, is grounded in the Christian doctrines of creation and providence (understood as God’s teleological ordering of the cosmos, e.g., by creating real natures with distinct ends). For Porter, the characteristically modern attempt to derive moral norms from first principles that are abstracted from all metaphysical or theological content is an impossible task, as well as incompatible with its scholastic roots. In their natural law thinking the scholastics brought specific, and specifically theological, understandings to bear in their reflections on human nature, inclinations, and action. At the same time they saw the subject of their reflection as real, universal, human nature. Porter seeks to honor these different strands in formulating her account, and she is impressively successful, in my view.

Still, Porter consistently distances her theory from claims to universality, which is initially puzzling, given the robust natural ethical theory that she develops. There are (at least) two referents of “universal” applicable here: the (metaphysical) ground of moral statements or rules and the (epistemological) acceptance of them. They are separable. If there is indeed a real human nature, as Porter argues, then the ground of morality is indeed universal—the same for all human beings. And if this is true, then it is true whether or not all or any humans believe it. Similar implications follow for the specifically theological content of a Christian natural law theory. Porter seems to be particularly concerned about the epistemological problem of moral pluralism, which is indeed important (although I think that the distance between “particular moralities” is not as great as Porter sometimes supposes; see pp. 181, 229–30). But her account of nature identifies a very plausible basis for holding that there is a universal (but general) ground of morality, and that is certainly an important beginning.

Third, at the center of Porter’s account of natural law is her attempt to recover a scholastic understanding of the roles of nature and reason in the natural moral law. Porter rejects two types of modern natural law

approach, both those that seek to infer ethical conclusions directly from "human nature," understood as human (biological) capacities and functions, and those that reject the drawing of any ethical implications from human "prerational" nature, and seek rather to derive moral norms entirely from the deliverances of practical reason. The two approaches reflect divergent understandings of human nature; in Albert the Great's terminology, the first emphasizes human "nature as nature" and the second, human "nature as reason." Both understandings have scholastic roots and each identifies something important to an adequate natural law theory. But, according to Porter, the two modern approaches to natural law based upon them (as characterized above) are inadequate. Both nature and reason, properly understood, are necessary. To spell out such an account is, in short, Porter's project.

In chapter 2 Porter analyzes "nature as nature." According to Porter, the scholastics do appeal to the natural inclinations of human beings (e.g., for life and reproduction) as being morally significant. But they do not derive ethical norms directly from observations about those inclinations, or from conclusions about the natural teleology of particular organs or functions. Such approaches not only fall prey to what Porter sees as the grain of truth formulated in the so-called naturalistic fallacy, but they are explicitly rejected by the scholastics, and so can hardly lay claim to the tradition. (I have heard philosophers criticize natural law ethics because they suppose that it entails that it would be immoral for a human to walk on his hands, since that does not correspond to the natural function of the hands. But as Porter points out, Aquinas uses this very example as a foil, in order to distinguish his own understanding of natural law from the kind of facile approach that would produce such a conclusion. See p. 76.)

The scholastic approach to nature involves reflection about human natural inclinations, and it is, indeed, teleological, according to Porter: but with respect to the broader picture of human flourishing, not to particular organs and functions. "Their analysis is teleological, in the sense that it presupposes some account of what human life considered as a whole should look like and what purposes the different inclinations and functions of human life serve within that context" (p. 77). Teleological reasoning of this kind introduces metaphysical (and theological) considerations that modern approaches seek to avoid. Porter sets her task, then, to defend such a view—first of all, as a proper interpretation of Aquinas (against, e.g., the "Finnis-Grisez" interpretation, which denies that Aquinas makes appeal to metaphysical considerations in grounding his norms), and then as a plausible realist or essentialist view of nature that can be sustained against anti-essentialist critiques and in light of evolutionary biology. Porter's extensive account of these matters is rich, insightful, and in my view, persuasive.

The kind of ethical naturalism that this picture expresses, however, is inadequate, as it stands, to ground a more substantive and specific moral vision. Porter asserts repeatedly that human nature, seen in this way, underdetermines moral norms or more specific ethical conceptions and practices. We cannot simply "read them off" of "prerational" human nature. Nature provides starting points, constraints, and directions for these norms, but they need to be developed by rational reflection into particular moral visions (the "conventional" aspect of morality). This process relates

to the second understanding of human nature, "nature as reason," and is the topic of chapter 4.

Porter argues that moral norms cannot be derived from practical reason simply as such, abstracted from all metaphysical or theological understandings or commitments, and that the scholastics did not hold that they could or should be. Porter critiques a broad array of attempts to ground morality in this way, from Kantian-type commitments to the autonomy of morality, to sentimentalist and consequentialist varieties of instrumental reasoning. On Porter's view, the "Finnis-Grisez" interpretation of Aquinas is a version of the Kantian-type approach, and she critiques it extensively, both as an account of morality and as an interpretation of Aquinas. Scholastics such as Aquinas did conceive of morality as essentially involving a kind of ordering rationality, i.e., as being a kind of "law" drawn from first principles that are immediately grasped, or known through themselves (*per se nota*). But this does not mean that Aquinas held to a view according to which morality is autonomous, grounded wholly in practical reason itself, and in no way dependent upon factual or metaphysical truths. "For Aquinas, in contrast, the first principles of practical reason are nothing other than the rational creature's grasp of the intelligibilities inherent in created existence, tout court or as expressed in some specific form of created being" (p. 263).

The "nature" and "reason" aspects of Porter's natural law theory are brought together in her conceptions of virtue and happiness (the subjects of chapter 3). Our reflections on human nature as such lead us to a general normative ideal of human flourishing, which Porter calls "well-being." Again, such a conception will underdetermine a specific moral vision. What is needed, further, is a distinctively moral ideal that specifies and qualifies well-being; a conception of what Porter calls "happiness," or the complete, including moral, perfection of human nature. Thus, Aquinas's understanding of natural law, on Porter's account, is both teleological and eudaimonistic. It is teleological in that "it is developed and structured through reflection on the purpose, or end, of human life, and the way this end incorporates and brings order to the diverse inclinations of our complex specific nature" (pp. 49–50). It is eudaimonistic in that this end is understood to be the perfection of human nature (Porter describes Aquinas as synthesizing the scholastic natural tradition with Aristotelian eudaimonism, p. 322). "The concept of happiness is central to a Thomistic theory of the natural law because it provides a framework within which to integrate two dimensions of human existence, namely, human nature comprehensively understood and the distinctively human character of natural existence, that is to say, human reason" (p. 143).

What (terrestrial) happiness is, according to Aquinas, is living according to virtue. Thus it is an account of the virtues that gives specific content to a natural law morality. Porter's Thomistic conception of natural law promises to bridge the gulf between deontological (law-oriented) and virtue ethics. "Understood in this way, a Thomistic theory of the natural law is not at odds with a virtue-oriented approach to morality; indeed this theory of the natural law *is* a theory of virtue" (p. 323).

Porter's distinction between well-being and happiness (Aquinas does not make this distinction) is both motivated by her general account and

suggestive in several areas. One is in addressing the broadly Aristotelian vs. Stoic dispute over the relation between happiness and enjoyment. Can one, by acting virtuously, suffer genuine harm (and thus not experience flourishing in the sense of well-being), and still be “happy” in the morally rich sense of flourishing? On Porter’s interpretation of Aquinas, the answer is a qualified, “yes.” Happiness and well-being are not equated; the attainment of well-being is neither necessary nor sufficient for happiness. However, the happy life is normally and properly an enjoyable life; the virtues and the capacities that they perfect are in fact aimed at the full functioning of human nature, i.e., well-being. Such a view, says Porter, “is at least suggestive that the joys and pleasures of the happy life are intimately bound up with enjoyment of those goods which are proper to the life of well-being” (p. 173). (Put differently, Aquinas’s understanding of value does not, as some forms of consequentialism, reduce moral goods (happiness) to non-moral goods (well-being); yet it is able to account for the real goodness of the latter as well as its relation to the former.)

In *Nature as Reason*, Porter has added significantly to the goods to be enjoyed in thinking about the natural law.

The Two Intellectual Worlds of John Locke, by John W. Yolton. Ithaca, NY: Cornell University Press, 2004. \$35.00 (cloth)

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John Yolton takes on a difficult task in this book: to convince us that John Locke is not simply an empiricist, but that his thought is deeply and centrally informed by more speculative and conjectural, even religious and theological, concerns. Yolton is intrigued by pervasive references in Locke’s *Essay* and other works to “things obscure, hidden, and even noble and beautiful,” (p. 139) and this book is his effort to convince us of the centrality of such things in Locke’s philosophy.

Yolton’s audience is thus “those who still cling to labeling Locke ‘empiricist’ (of whom there are fewer today),” (p. 137) and also those who tend to assume that Locke was interested only in attacking and rejecting central Christian doctrines. (p. 151) At the center of Yolton’s attack against a narrowly empiricist and secular interpretation of Locke is the claim that Locke is in fact concerned with two “intellectual worlds”, one the more familiar, materialistic world accessed via sense experience and observation; the other a less attended to Lockean world of “God, angels and spirits” accessed (or more accurately, imagined or thought of) via speculation and conjecture.

I am torn in trying to assess Yolton’s success in this task. On the one hand, we are indebted to him for uncovering a host of interesting textual references in Locke’s works which suggest of Locke escaping his empiricist bounds, and which enigmatically hint at a Lockean concern for this second, more spiritual, intellectual world. For example, in the Fourth Book of the *Essay*, Locke speaks of the goal of “natural philoso-