

Why Natural Law Is for Everyone

J. Budziszewski

Abstract. Natural law has fallen out of favor in mainstream ethics, much to the detriment of modern society. This article examines some examples of objections to the use of natural law, refuting the basis of those arguments and explaining the reality of natural law and its indispensability in our understanding of human ethics. *National Catholic Bioethics Quarterly* 23.4 (Winter 2023): 000–000.

On this thirtieth anniversary of *Veritatis splendor*, Pope St. John Paul II’s great encyclical about natural law, I have been asked to reflect upon why natural law is for everyone. It is an odd commission. Why wouldn’t natural law be for everyone? After all, John Paul II wasn’t appealing to “Catholic morality,” to “biblical morality,” or even to “Western morality,” whatever such terms may mean. He was appealing to universal morality, to the common moral sense of plain people. Natural law philosophy is the great project of developing and explaining this common moral sense. The very name *natural law* conveys part of the explanation, for the natural law is truly natural and truly law.

It is truly law, because it is an ordinance of reason for the common good, made by competent authority, and promulgated or made known. For example, our minds can recognize the rightness of fidelity to our spouses. Such fidelity is good for everyone, not just special interests. It was made by the Creator, who is the public authority of all creation. And although many may try to convince themselves that they do not know it, no one can do so honestly.

Moreover, it is truly natural, because its precepts are reflected in the deep structure of our natural moral intellect. The very fact that we do have a nature, rather than a mere set of urges, points to nature’s promulgator. The details of our

J. Budziszewski, PhD, is a professor in the Department of Government and the Department of Philosophy at the University of Texas, Austin.

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natural design indicate how we need to live. And transgressing this pattern of life has natural consequences. Returning to our example, we cannot fail to grasp the good of marital friendship. We experience it as a gift of God, it is built into our procreative design, and we violate its norms only to our sorrow and that of our spouses and children.

I expect most of what I have been saying to be challenged. As John Paul II wrote, “The traditional doctrine regarding the natural law, and the universality and the permanent validity of its precepts, is rejected.”¹

It was not always so. John Paul II meant that *in our times* the doctrine is rejected. Until very recently, it was possible to address statements about natural law to “all men of good will” without expecting a great deal of pushback, much less outrage. The classical natural law tradition was the spinal column of Western reflection about how to live for well over twenty centuries—and, though under other names, outside the West too. The tradition has often been forgotten, denied, or abused, as it is today, but like the proverbial mule chased away with a pitchfork, it always comes back.²

Frankly, it is pretty hard not to recognize the moral basics. C. S. Lewis dared skeptics to “think of a country where people were admired for running away in battle, or where a man felt proud of double-crossing all the people who had been kindest to him. You might just as well try to imagine a country where two and two made five.”³ It is equally hard not to recognize certain basics of human nature itself. For example, we can try to deny that men and women are different and complementary, or that they are the only sexes, or that some people are more capable in certain ways than others, but if we do, eventually reality will rear up and bite us in the face.

Although I have spoken of the shared moral sense of the plain person, the actual theory of natural law is not so plain. In fact, it can be abstruse. This is one of the things that upsets some critics, for if there really is a common moral sense, then apart from the sheer joy of knowledge, why do we need a theory of it at all? People do not have to be able to analyze what natural lawyers call the procreative and unitive goods just to avoid cheating on their spouses, do they? Well, no, just as they do not have to know much about what electricians call alternating current just to avoid sticking their fingers into wall sockets. And yet there are times when it does help to reflect on the natural goods that shape the norms of marriage—just as there are times when it helps to know something about electricity.

The problem which makes us impatient with the theory of natural law is that although the plain person does have a common moral sense, he possesses it in a confused and disordered state. I may know many more things than I am aware of knowing. My latent understanding of things is probably like a very large connect-the-dots picture in which not all of the dots are connected and some of them are connected wrong. I may even be afraid of connecting the dots correctly, because doing so might lead me to conclusions that I would rather not reach—they might

1. John Paul II, *Veritatis splendor* (August 6, 1993), n. 4.

2. See Horace, *Epistles* I.10.24–25.

3. C. S. Lewis, *Mere Christianity* (New York: HarperCollins, 2001), 6.

require me to change! The upshot is that my common sense needs to be elevated, purified, elaborated, and purged of denials and inconsistencies.

To help me along this path, a wise natural law thinker will not teach it to me in a bookish way. He may not even weigh me down with anything as academic as a “theory of natural law,” although that theory will always be in the background. First he will remind me of things that I *know* that I know—for example, the sweetness of bringing children into the world. Then he will dredge from the depths of my mind things I know at some level *but may not notice* that I know—for example, that a true union between spouses requires the complementary difference of the two sexes. Finally, he will be on the alert for smokescreens and self-deceptions which have to be dispersed, for it is one thing for me to know something—and another to admit to myself that I know it. My desire not to admit it makes the natural law a scandal or stumbling block.

Considering how controversial the idea of natural law has become in our own day—“Aren’t we beyond all that now?”—and how little most educated people even remember about the tradition, perhaps the best way for this essay to proceed is simply to call to mind challenges and respond to them. We find that although from time to time there are new objections, most of the same old ones keep rolling around, as though they had not been refuted over and over.

Following, then, are some of the most common, put as tersely as possible, and grouped in categories. You may notice that these objections do not all take natural law to be the same thing. For example, some objectors take the alleged natural law to be a moral principle, but others think it would be something like gravity or instinct. Moreover, the views that motivate these objections are not all compatible. For example, some deny the reality of God, but others insist on it. Because the objections are so numerous, my replies are necessarily brief. I have discussed all of these matters at greater length in other works.⁴

It will be most helpful to begin with foundational objections—objections to the notion of natural law as such, to the very idea of something which is both really natural and really law. Following that, I will zero in on what may be called focal objections—arguments denying the universality of natural law, so that it *cannot* be for everyone. In the final section of the essay, I will take up ancillary objections—those which are not primarily about universality but imply a denial of universality. These ancillary objections are that natural law is too religious (so that it is only for religious people), that it is not religious enough (so that it is only for secular people), that it is useless (so that nobody needs it), that it is obsolete (so that even if it used to be for everyone, it is not now), and even that it is undesirable (so that it is not really for anyone, and never was).

4. For example, the introductory J. Budziszewski, *What We Can't Not Know: A Guide* (San Francisco: Ignatius Press, 2011) and the more technical J. Budziszewski, *Commentary on Thomas Aquinas's Treatise on Law* (Cambridge, England: Cambridge University Press, 2014).

Foundational Objections

“Natural Law Is Not Law”

NATURAL LAW COULD NOT BE AN ORDINANCE OF REASON BECAUSE IT’S JUST INSTINCT. No. An instinct would be something we could not help but follow; it would compel us, the way the territorial instinct of the male stickleback fish compels it to attack anything red. The natural law is not like that, because it is directed to a free and rational mind. It indicates how we must live to live well and blamelessly, but we can certainly violate it—and we often do.

THE THINGS YOU ARE CALLING NATURAL LAW AREN’T FOR THE COMMON GOOD. MARRIAGE, FOR EXAMPLE, IS JUST AN ARRANGEMENT THAT BENEFITS ONE SEX AT THE EXPENSE OF THE OTHER. The curious thing about this objection is that it comes in two inconsistent varieties. One is that marriage benefits men at the expense of women by making women labor for men and serve their sexual convenience. The other is that it benefits women at the expense of men by hoodwinking men into providing for women and their children. Unquestionably, some versions of the marital institution are exploitive, but from the perspective of natural law, these are distortions. Marital love itself is naturally precious to both sexes. Moreover, their love is not just about affection, or even sexual desire, but about turning the wheel of the generations—for we naturally care about the well-being of the children who spring from our loins, and a child naturally needs a mom and a dad. Procreation is in the interests of humanity as such.

LAW IS A COMMAND OF AUTHORITY, BUT THERE IS NO AUTHORITY BEHIND THE SO-CALLED NATURAL LAW. Isn’t there? Why is there something and not rather nothing? Why are things the way they are and not some other way? Nature is not self-explaining. There must be a First Cause which is necessary rather than contingent—which has to be and is the reason for all that did not have to be. This is the authority behind natural law.

ALL LAW HAS PENALTIES, AND THERE ARE NO PENALTIES FOR VIOLATING THE SO-CALLED NATURAL LAW. Certainly, there are. If you cheat all your friends, you lose all your friends. If you habitually lie, you lose track of the truth, and it becomes strange to you. If you abandon your children, you not only lose their friendship but also diminish yourself. If you live by knives, you die by them. If you are promiscuous, you find intimacy more and more difficult. If you demand happiness in ways that make happiness impossible, you will not have it. You may not feel remorse, but guilty conscience has many ways of punishing us besides guilty feelings. For example, someone who has had an abortion to save her relationship with her boyfriend may then break up with her boyfriend in obedience to an unrecognized urge to atone.

LAW MUST BE PROMULGATED, BUT THE SO-CALLED NATURAL LAW IS NOT PROMULGATED. Certainly, it is. The fact that a law is not promulgated in words does not mean it is not promulgated. This is true even of ordinary human customs, which are promulgated through repeated actions. The natural law, however, is promulgated through the design of our nature, including, but not restricted to, the design of our moral intellect. For example, we are made with a view to friendship and family life. In this world, “the good life” is not good for us unless we can share it with others.

FROM TIME TO TIME IN HISTORY, DREADFUL THINGS HAVE BEEN DONE IN THE NAME OF SO-CALLED NATURAL LAW. Yes, but dreadful things have been done in the name of everything true and good. Love has been invoked as an excuse for cruelty, justice as an excuse for injustice, the common good as an excuse for tyranny. What else would you expect? The only way to make a lie plausible is to pack as much truth into it as you can, and then distort it. The most powerful lies parasitize the most powerful truths.

NATURAL LAW THEORY CLAIMS THAT AN *IS* CAN ENTAIL AN *OUGHT*—THAT DESCRIPTIVE CLAIMS CAN ENTAIL EVALUATIVE CONCLUSIONS. THAT’S A FALLACY. There is no fallacy; descriptive claims can entail evaluative conclusions. Those who say that an *is* cannot entail an *ought* are hoist by their own petard, for from the descriptive premise that reasoning from *is* to *ought* is a fallacy, they draw the evaluative conclusion that we should not do it. In fact, we reason from *is* to *ought* all the time—and rightly. The tomato plant is withered (descriptive), therefore it isn’t healthy (evaluative). I borrowed five dollars from you (descriptive), therefore I am five dollars in debt to you (evaluative). The function of a soccer ball is to play soccer (descriptive), therefore, a soccer ball unsuitable for the game is a bad one (evaluative). Consider what happens if we refuse to make such inferences.

Ophthalmologist: “You are more nearsighted than the last time I examined you.”

You: “Would new eyeglasses clear up my vision?”

Ophthalmologist: “Yes, completely. I could make them for you easily.”

You: “Then I guess I ought to have you do that.”

Ophthalmologist (puzzled): “Why?”

“Natural Law Is Not Natural”

NOTHING NATURAL CAN BID US GO AGAINST OUR NATURE, BUT THE SO-CALLED NATURAL LAW DOES BID US GO AGAINST OUR NATURE. I suppose the objector means, for example, that just because anger is a natural power, it’s natural to hit people I’m angry with, but the natural law forbids doing so. What this overlooks is that the natural power of anger has a natural standard, as do all natural powers. Just as the natural purpose of eating is nutrition, the natural purpose of anger is to arouse me to the well-ordered defense of endangered goods. So the natural law bids me not just to strike out whenever I am angry, but to be angry at the right times, about the right things, towards the right people, with the right motive, and in the right way. To regulate anger properly does not violate our nature but fulfills it.

THE BEASTS VIOLATE THE SO-CALLED NATURAL LAW. I concede that a lion does not follow the precept against deliberately taking innocent human life. But a law is a precept addressed to the mind of a creature which can understand, and the lion lacks understanding. Strictly speaking, then, although the lion has natural impulses, it is not subject to natural law. Only rational beings are.

PEOPLE VIOLATE THE SO-CALLED NATURAL LAW. The idea here seems to be that if something is natural, then it cannot be resisted. But that depends on the nature of the creature in question. A rock does not ask itself whether it should fall, and a

hungry mouse does not ask itself whether it should eat. Human beings, however, have rational natures, so they deliberate and make genuine choices. Sometimes they deliberate badly; sometimes their choices are evil. Natural law is the rule and measuring rod for choosing well.

IF THE SO-CALLED NATURAL LAW WERE REALLY NATURAL, THEN ALL ITS RULES WOULD BE SELF-EVIDENT. THEY ARE NOT. Classical natural law theory does not claim that every precept of natural law is evident in itself. Certain basics are, for example, that good is to be done, that life is good, and that I should not commit undeserved harm to my neighbor. Certain proximate implications are, for example, the wrong of murder. But I can become very confused about remote implications and details—What harm is deserved? Who is my neighbor?—especially if I am inexperienced, inattentive, poorly brought up, or lying to myself.

HUMAN BEINGS SHOULD BE GUIDED BY REASON, NOT BY NATURE. Beast nature is not reasonable, but human nature is, so for us, nature and reason do not contradict each other. For example, I share with the cat an attraction to the other sex, but the cat doesn't know what it is doing. I enter into a loving marriage with a view to having children, but the cat is surprised when it has kittens.

Focal Objections: That Natural Law Isn't for Everyone

We turn now from foundational objections, which claim that natural law either is not law or is not natural, to focus objections, that it is not universal.

EVERY MORAL RULE IS DIFFERENT EVERYWHERE. So we have been told, but this is not true. Everywhere such sins as murder, theft, and betrayal are loathed. Try to find a moralist of any country who lauds cruelty to parents: You will fail.

BUT EVEN THAT HERO OF NATURAL LAW THINKERS, THOMAS AQUINAS, ADMITTED THAT NATURAL LAW IS NOT UNIVERSAL. FOR EXAMPLE, HE SAID THAT THE GERMANIC TRIBES DIDN'T EVEN RECOGNIZE THAT THEFT IS WRONG. No, he didn't. Thomas Aquinas is often incorrectly quoted as saying, "Formerly, theft, although it is expressly contrary to the natural law, was not considered wrong among the Germans, as Julius Caesar relates."⁵ The ordinarily excellent Dominican Fathers translation is dreadfully misleading here, and misinterpretations of the passage have given rise to endless confusion. The passage has nothing to do with theft in general. *Latrocinium*, the word incorrectly translated *theft*, actually means banditry, or plundering. It is a form of robbery, or taking by force, which St. Thomas distinguishes from theft, or taking by stealth, as did Roman law.

The ancient Germans knew very well that theft in general is wrong, that robbery in general is wrong, and that banditry in particular is wrong. St. Thomas knows

5. Thomas Aquinas, *Summa theologiae*, trans. Fathers of the English Dominican Province (1920; New Advent, 2017), I-II.94.4. For further discussion, see the companion piece to Budziszewski's book *Commentary on Thomas Aquinas's "Treatise on Law,"* J. Budziszewski, *Companion to the Commentary* (Cambridge, England: Cambridge University Press, 2014), 155–159, <https://www.cambridge.org/gb/files/1814/0898/2129/9781107029392online.pdf>.

that they knew it too, for Julius Caesar, his source, discusses the severe punishments the Germans imposed for such crimes. What then is he talking about? He is talking about the fact that the Germans cut themselves a loophole. “Of course I know banditry is wrong. But raiding neighboring tribes—come on, that’s not banditry! It’s just good clean warfare!” It is much the same with us as it was with those ancient Germans. They cut a loophole in the prohibition of theft by violence, *rapina*; we cut loopholes in the prohibition of theft by stealth, *furtum*. For what is it but theft when the government inflates the currency to finance expenditures which it cannot otherwise pay for? They practiced violence against the members of other tribes, *latrocinium*; we practice violence against our own children, *abortus provocatus*. At least the ancient Germans loved their kin.

MONOGAMY IS CLAIMED TO BE A NATURAL LAW, BUT MOST CULTURES IN MOST TIMES AND PLACES HAVE BEEN POLYGAMOUS. Natural lawyers do not claim that people follow the natural law all over the world. What they claim is that following the natural law is good for them all over the world. One of the most interesting phenomena of our day is that although in times past, about 85 percent of human cultures were polygamous, today peoples all over the world are discovering the natural advantages of monogamy over polygamy. As three scholars report, “Normative monogamy reduces crime rates, including rape, murder, assault, robbery and fraud, as well as decreasing personal abuses. By assuaging the competition for younger brides, normative monogamy decreases (i) the spousal age gap, (ii) fertility, and (iii) gender inequality. By shifting male efforts from seeking wives to paternal investment, normative monogamy increases savings, child investment and economic productivity. By increasing the relatedness within households, normative monogamy reduces intra-household conflict, leading to lower rates of child neglect, abuse, accidental death and homicide.”⁶ We may add that the spouses enjoy a more genuine friendship, because they give themselves to each other exclusively instead of spreading themselves out, and that poor men are not cut off from marriage because rich men gather up all the available women for themselves.

EACH PERSON HAS A DIFFERENT NATURE. WHAT’S NATURAL FOR YOU MIGHT BE UNNATURAL FOR ME. The normative sense of the term *natural* is species nature, not individual nature. For example, I might have been born with a genetic abnormality that makes me excessively susceptible to violent anger, to inappropriate sexual desires, or to the abuse of intoxicating substances, but it does not follow that I should rage, lust, or live in a constant state of drunkenness. True, differences in normal individual temperament may suit people to different walks of life—this one would make a better soldier, this one a better craftsman, this one a better teacher. But the cardinal consideration in what is right and just is not individual temperament, but shared human nature. Neither the soldier, the craftsman, or the teacher should commit acts of brutality, dishonesty, or lust. The upshot is that a bad individual disposition of nature is not an excuse, but a misfortune. If I suffer one, then I will

6. Joseph Henrich, Robert Boyd, and Peter J. Richerson, “The Puzzle of Monogamous Marriage,” *Philosophical Transactions of the Royal Society B* 367.1589 (March 2012): 657–669, doi: 10.1098/rstb.2011.0290.

have to work harder than other people to control myself, just as if I have a weak sense of balance, I will have to work harder than others to walk without falling down.

MAYBE THERE IS A NATURAL LAW, BUT IT EVOLVES AND PROGRESSES. It is certainly possible for our understanding of the natural law to become better over time, and we should hope that it will. But the claim that natural law itself evolves and progresses is very different—and makes no sense. To suggest that it changes for the better presupposes a standard of moral comparison, a yardstick of better, and a yardstick is useless unless it does not change. So even in order to say that our moral principles should not have any fixed content, one would need to have at least one moral principle that did have fixed content—the principle by which one evaluated the changes in the other ones! And this can only be the natural law.

MORALITY IS JUST A SOCIAL CONSTRUCTION. The content of a social construction is whatever we construct—it is all up to us. But the whole idea of morality is that it binds us whether we like it or not, and amazingly, we think that it should. If we could make it up and change it to suit ourselves, then it would not be morality. Even when we change our minds about some detailed point of right and wrong, we do so—or ought to—in consideration of deeper principles about which our minds cannot change.

MORALITY IS JUST AN EXPRESSION OF THE WILL OF THE POWERFUL. RESIST! One might think those who propound this notion were merely trying to criticize the hypocritical pretensions of powerful people. But to say that the claims of the powerful are hypocritical pretensions is to say that they distort objective truth. This in turn supposes that there is an objective truth to distort, which is just what these critics deny. How exactly does denial of objective justice help the powerless? It is baffling that the proponents of this idea could be taken seriously. They would do better to give up speaking and take up cawing, like crows. At least crows do not claim to be uttering meaningful propositions.

Logically, someone who does think moral truth is nothing but what the powers that be say it is should acquiesce to power, shouldn't he? Yet the proponents of these creeds typically make a great show of standing up against powers they dislike. The solution to the paradox is that for all their talk of standing up against the powers that be, in our opinion-forming classes such folk *are* the powers that be. By denying objective truth and justice, they are not standing up to power. They are trying to secure and extend their own power.

THERE MAY EXIST MORAL UNIVERSALS, BUT THEY ARE ONLY TRIVIALY TRUE. FOR EXAMPLE, “DO NOT MURDER” MEANS ONLY “DO NOT KILL ANYONE WHOM YOU OUGHT NOT KILL,” AND “DO NOT STEAL” MEANS ONLY “DO NOT TAKE ANY PROPERTY THAT YOU OUGHT NOT TAKE.” SUCH PRECEPTS ARE CIRCULAR. True, not all killing is murder; for example, killing in self-defense is not murder. So yes, murder is not killing as such, but undue killing. If that were the end of the matter, we really would have a circularity, but it is not the end of the matter; we can say much, much more about what, exactly, is undue. For example, deliberately taking innocent human life is always murder. The fact that when we get down to particular cases, we need more and more detail (What acts are deliberate? How can we tell whether someone is innocent?) isn't a problem. That need presents itself even when we are defining

non-moral things, such as dogs (How are they different from other mammals? Do they have to bark and chase cats?). There would be a problem only if we could not provide more and more detail—if the only thing we could say to distinguish murder from other killing were “Well, it is undue.” And that is plainly untrue.

Ancillary Objections: That Natural Law Is for Some People, or for No People

We pass now from objections which directly deny the universality of natural law to objections which merely imply its nonuniversality.

“Natural Law Is Too Religious”

SO-CALLED NATURAL LAW IS JUST A CHRISTIAN THEORY OF MORALITY OF NO INTEREST TO NON-CHRISTIANS. False, but understandable. Unfortunately, the many traditions that do affirm the common moral truths speak of it in such different ways that the unanimity of their affirmation is obscured. One group speaks of the Noahide Commandments, another of common grace, another of natural law. Jews think natural law is a Christian thing, Protestants think it is a Catholic thing, and Catholics sometimes forget their own tradition and think it a medieval thing. In medieval times, some people thought that it was a Roman thing, and in Roman times, some people thought that it was a Stoic thing. On the contrary, by whatever name it is called, it is a shared thing, a human thing, and most of the various traditions and theories about it hold similar presuppositions.

THE THEORY OF NATURAL LAW PRESUPPOSES A CREATOR. It depends on what one means by *presupposes*. Atheists sometimes tell me “I do not believe in God, but I, too, have a conscience!”—as though they thought I would tell them they do not have one. Far from it. The recognition of a law we did not make but which presses on us all the same comes with being human. Religious training may call attention to it and sharpen it, but everyone has it. The problem for the atheist is not that he does not have a conscience or that he cannot believe in this law which presses on him, but that he will find it impossible to explain to himself how it really is a law. For according to his theory, man is the meaningless and purposeless result of a process that did not have us in mind. If that is true, then conscience is equally meaningless, and we might as well try to do without it. So, he might very well affirm conscience and deny the Creator. Even so, if he grasps what it means to believe in conscience, then he ought to believe in its Creator too; and if he understands the implications of denying its Creator, then he ought to deny conscience too. Which leads us to the next objection.

I DO DENY CONSCIENCE. MORALITY IS JUST “AN ILLUSION FOBBED OFF ON US BY OUR GENES TO GET US TO COOPERATE.”⁷ The premise of this neo-Darwinist objection is that by thinking that we perceive moral meaning in our lives, we will

7. I borrow this way of putting the objection from Michael Ruse and E. O. Wilson, “The Evolution of Ethics,” *Religion and the Natural Sciences: The Range of Engagement*, ed. James Huchingson (New York: Harcourt Brace Jovanovich, 1993), 210. It originally appeared in *New Scientist* 108.1478 (October 17, 1985): 51–52.

be more strongly motivated to do the things which enable us to live long enough to pass on our genes—including, of course, the genes that make us look for such meaning in the first place. But such reasoning is circular. The illusion of meaning would strengthen the motive to do the things which enable us to live long enough to pass on our genes only if we possessed a preexisting need to perceive meaning—that is, only if we lost interest in living if we did not perceive it. But what adaptive value could there possibly be in a need to perceive a meaning which is not there? Rather than first producing animals who lose their will to live unless they see what isn't there, then making them think they do see what isn't there, why did natural selection not produce animals which have a will to live without seeing what is not there—animals which do not need to perceive meaning? A reasonable person, not blinded by materialism, concludes that we seek meaning not because it helps smuggle our genes into our descendants but because there really is meaning—and we are made with a view to finding it.

“Natural Law Is Not Religious Enough”

THE GOD OF SO-CALLED NATURAL LAW IS NOT THE GOD OF CHRISTIANITY, BUT THE GOD OF DEISM. No, the deist idea is an incomplete picture of the same God. Nature proclaims its Creator; Scripture goes further and tells you who He is. Nature shows you the results of God's deeds in creation; Scripture tells you the results of His deeds in history. Nature manifests to you His moral requirements; Scripture tells you what to do about the fact that you do not measure up to them. According to Christians, Scripture alone tells you the plan of salvation, but not even Scripture makes nature superfluous, for the moral precepts of Scripture do not make any sense unless you know the natural moral law already.

IF THE BIBLE IS TRUE, THEN SO-CALLED NATURAL LAW IS NOT TRUE, BECAUSE THERE CANNOT BE TWO CONFLICTING SYSTEMS OF MORALITY. Who said that the two systems are in conflict? Traditionally, the biblical Decalogue has been viewed as an excellent short summary of the natural law itself. Of course, it only works as a summary if we take it together with a lot of other things which it does not state explicitly. For example, the prohibition of false witness presupposes institutions of justice which depend on truthful testimony. We also have to bear in mind that the precepts of the Decalogue use particular acts as placeholders for entire categories of acts. For example, the prohibition of adultery is merely the most conspicuous example of violation of a broad vision of marriage and sexuality against which the rightness of faithfulness makes sense. The upshot of all this is that natural law does not compete with the Decalogue but helps to understand all these related things more fully.

NO MORALITY CAN BE BASED ON HUMAN NATURE, BECAUSE HUMAN NATURE IS FALLEN AND SINFUL. ALL SORTS OF SINFUL DESIRES ARE NATURAL. The hypothesis that we are fallen does not mean that we no longer have the nature imparted to us in Creation but that we are out of joint with it. For example, the natural purpose of the very necessary power to become angry has not changed—its purpose is still to arouse us to the well-ordered defense of endangered goods. What counts as an endangered good or a well-ordered defense has not changed either. The problem is that the mind's control of the power of anger has been very much weakened, so

that we go up in flames at the least little spark—or sometimes fail to get angry even when we should. So it is with all of our powers and desires.

NATURE IS NOT ENOUGH, BECAUSE GOD MADE US FOR A SUPERNATURAL DESTINY. Of course nature is not enough. Natural law theory per se does not deny our supernatural destiny, and natural law thinkers of the Christian persuasion insist on it. For example, Thomas Aquinas wrote that “since man is ordained to an end of eternal happiness which is inproportionate to man’s natural faculty, therefore it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God.”⁸ As we see, then, natural law and divine law are not in competition, but complementary.

“Natural Law Is Useless”

EVEN IF THE SO-CALLED NATURAL LAW WERE TRUE, IT WOULD BE REDUNDANT, BECAUSE WE HAVE THE GOLDEN RULE. The Golden Rule is true and good, but it is a part of the natural law—and it doesn’t replace the rest of it. It could not, because it is not self-interpreting: doing unto others as I would have them do unto me is not going to steer me into the right course of action unless I know what I should want them to do unto me. Imagine how the Golden Rule would be applied by a masochist. “I want others to cause me pain, so . . .”

NATURAL LAW THEORY IS TOO COMPLICATED FOR PEOPLE TO UNDERSTAND. The physics of gravity, and the mechanics of opposed and balanced forces, are hard to understand, and for most purposes most people do not need them. The obvious things are enough—for example, not building the first floor of a skyscraper out of wood, not walking off the edge of the roof, and not standing in the way of an avalanche. But as any engineer can tell you, sometimes we do need the physics. So it is with natural law theory, for even though most people get the basics, the sorts of things stated in the Decalogue, we need the theory to work out the details. I should honor my parents, but what counts as honoring them? If I am cohabiting with this woman, is it marriage? Is it really stealing to take what I think the other fellow should not have? Surely these questions can become complicated, but not so complicated that no one can understand them; besides, the wiser can teach the less wise.

“Natural Law Is Obsolete”

WE HAVE REACHED THE POINT AT WHICH WE CAN MODIFY OUR NATURE AND MAKE OURSELVES WHATEVER WE WANT TO BE. This is like saying, “The first step in making ourselves better is to abandon the only standard of better that we have.” For you may say that you want to improve human nature, but if you throw away the natural standard, then how will you know what counts as an improvement? Suppose you say, “Even by the present standard, compassion is good, so let’s strengthen compassionate feelings.” But the virtue of compassion does not lie in having strong compassionate feelings but in having the right compassionate feelings—at the right times, about the right things, towards the right people, with the right motive, and in the right way. This requires not more intense emotions but better judgment. Suppose you say, “Very well, then let’s genetically program people to be smarter.” This too misses

8. Aquinas, *Summa theologiae*, I-II.91.4 corpus.

the point. Good judgment is not about being smart but about being wise, which is not a matter of programming. A very smart criminal would be a worse one.

EVEN IF WE CANNOT MODIFY OUR NATURE ENTIRELY, WE CAN MODIFY SOME THINGS ABOUT IT, SO THAT EVEN IF NATURAL LAW CANNOT BECOME ENTIRELY OBSOLETE, PARTS OF IT CAN BE. FOR EXAMPLE, NOW THAT WE HAVE CONTRACEPTION, THE NATURAL LAW HAS NO FURTHER CONCERN WITH CHASTITY. This particular mistake may once have been tempting, because the advent of contraception was widely expected to make unwed pregnancy a thing of the past. To continue in the same error today requires shutting one's eyes to the facts. Rates of unwed pregnancy have not declined but exploded, largely because the advent of the pill did lead people to think chastity was obsolete.⁹ This way of thinking has been a catastrophe not only for children, who need a stable home with a mom and a dad, but also for adults, because sexual intercourse has become increasingly empty, lonely, and transactional. It turns out that our nature is harder to escape than we thought, and that the very attempt to disconnect our acts from their natural consequences has natural consequences.

“Natural Law Is Undesirable”

SOMETIMES YOU JUST HAVE TO DO WHAT'S WRONG TO MAKE THINGS COME OUT RIGHT. One of my former teachers, who is now a political advisor, takes this view. In his view, doing evil so that good will come is merely a moral cost, the avoidance of which must be weighed against other objectives. In other words, for sufficient benefit, anything at all may be done, and if we feel bad, we need to get over it. But if we live this way, we have lost ourselves. Some harms, such as the pain of a vaccination, can certainly be justified by greater good, such as the acquiring immunity to disease. However, there exists intrinsic evils which by their very nature cannot be directed toward ultimate good. Deliberately blowing up a school bus full of children is wrong no matter what might be gained by it, and it is no good to ask a grieving mother, “Couldn't you just have another?”

WHAT'S RIGHT IS WHAT I AUTONOMOUSLY CHOOSE TO DO. PERIOD. This objection takes morality to be all about rights, with rights, in turn, boiling down to sheer license to do as I please. But the proper use of the precious gift of freedom is to discern and choose what is good, and wrong does not become good just because I choose it. Certainly, there are such things as natural rights, but they are connected with other moral considerations. For example, the right to religious inquiry is based on the duty to seek the truth, and the right of competent parents to raise their children is grounded in the needs of the children. There can be no right to do what is intrinsically evil.

IF THERE REALLY WERE A NATURAL LAW, THEN THERE WOULDN'T BE ANY FUN ANY MORE. A law professor made this flabbergasting remark to me in complete seriousness after a talk I had just given to his school's chapter of the Federalist

9. See Centers for Disease Control and Prevention, “Births to Unmarried Mothers: United States, 1980–92,” *Vital and Health Statistics* 21.53 (June 1995): 3; and Centers for Disease Control and Prevention, “Unmarried Childbearing,” National Center for Health Statistics, reviewed January 31, 2023, <https://www.cdc.gov/nchs/fastats/unmarried-childbearing.htm>.

Society. Properly understood, the natural law is a condition of a happy life, not a chain placed on it. I should have replied, “What sort of ‘fun’ wrongdoing do you wish to hang onto, sir?”

Conclusion

We have seen that all of the common objections to the universality of natural law arise from either misunderstandings of the theory, logical or factual mistakes, or, in a few cases, sheer perversity. It seems that John Paul II was right: natural law is for everyone.

