

# The Global Significance of Natural Law: Opportunities, Quandaries and Directions

Anthony J. Kelly C.Ss.R

## *ABSTRACT:*

In the search for a global ethic, natural law continues to be a lively area of discussion—and a difficult one. For the purpose of communicating a natural law ethic of global proportions, this article first discusses four negative connotations of “natural law”, and then proceeds more positively in sections dealing respectively with global consciousness, self-transcendence as the interior foundation of natural law, and new contexts of ecology and evolution. We conclude to the multi-dimensional significance of natural law in promoting a conversion to a global morality, and for stimulating a global conversation to that end.

Without a shareable discourse on basic human values, the prospects of global peace and justice diminish. If efforts to promote a large-scale moral consensus fail, any court of appeal to which we might turn in the face of oppression, violence, torture, racism, ecological destruction and injustice is ineffective. Its rulings, incapable of transcending particular and individual interests, must collapse into endless litigation—thus serving the manipulations of the most powerful. Not surprisingly, natural law continues to be a lively topic.<sup>1</sup> Yet theoretical accounts are notoriously difficult. In what follows, therefore, I offer a reflection on how a global consideration of natural law might be promoted.

There are prejudices to be overcome; and the negative associations of the very phrase, “natural law” are many. The first of these is the perception of natural law being too closely associated with Catholic theology.

### **1. Catholic Church Teaching and Natural Law**

The Apostle Paul gives a promising lead when he encourages the Christian community of Philippi in these words, “Whatever is true, whatever is honourable, whatever is just, whatever is pure, whatever is pleasing, whatever is commendable, if there is any excellence and if there is anything worthy of praise, think about these things” (Phil 4:8). That “whatever” is the beginning of the Church’s contribution to a global communication of moral values. Yet, while Christian faith provides the motivation for this search for a common morality, it is obviously not shared by everyone committed to an ethical way of life.

Although it cannot be expected that the Church will abandon its mission to proclaim the Gospel, Christian believers have long learnt to adjust to the fact that not everyone is Christian. Consequently, theology has been busy articulating the distinctions and relationships in regard to Church and the State, Christian faith and other religions, faith and science, religion and culture, and so forth. Despite the distinctions necessary to recognise the integrity of each of these spheres, it is usually argued that, when it comes to large-scale ethical collaboration for the future of humanity, there need be of separation between them. For such refined distinctions close the door on both religious and secular totalitarianism, and invite faith to appreciate the integrity of the secular, and the secular acknowledge the global significance of religious values.

The creativity of Catholic tradition in this respect finds notable expression in the social teachings of the Church, nicely documented in the *Compendium of the Social*

*Doctrine of the Church.*<sup>2</sup> Clearly, the secular sciences are valuable resources. While there no need to “reinvent the wheel” of natural law morality, there is need to keep it rolling forward if anything like a common basis of morality is to find acceptance in the emerging global situation. Still, a suspicion lingers that natural law is largely a Catholic thing, even if history, past (Stoic, Jewish, Muslim influences) and the present (continuing philosophical discussions<sup>3</sup>) suggest the opposite. Though the figure St Thomas Aquinas cast a long shadow in discussions of natural law,<sup>4</sup> this is not so much because of his theological eminence, but rather because of the intellectual rigor he brought to the interpretation and development of Aristotelian ethics.

In regard to the Church’s moral teaching, it is worth noting a certain dynamic: first, it appeals to a common natural law; second, it finds within the universal moral law foundation of human rights; third, it recognizes that among these rights is the freedom of religion; and fourth, in that religious freedom, it acknowledges the freedom of all to practice their faith, while affirming its own right, through proclamation and dialogue, to communicate its own distinctive Christ-centred moral vision within today’s pluralistic societies. Sokolowski makes a valuable point: “...what Christianity offers is not a set of new, unheard-of precepts, but a deepening of what is already appreciated as good. The natural visibility remains. Grace elevates and also heals wounded nature, revelation expands and clarifies reason. I would suggest that one of the strongest arguments in Christian apologetics is the fact that faith refurbishes what is naturally good”.<sup>5</sup>

Apologetic considerations aside, the promotion of a universal ethic and a global moral discourse is an essential Christian imperative. Solidarity with all who seek

what is true and good is expressed in the well-known words of the Second Vatican Council, "The joy and the hope, the grief and the anguish of people today, especially of those who are poor or afflicted in any way, are the joy and the hope, the grief and anguish of the followers of Christ as well" (*Gaudium et Spes*, n. 1). But without a moral basis for our human community, this "joy and hope" can never be realised, and the "grief and anguish" will be all too obvious. With its sense of the one human destiny, Christian responsibility seeks to serve the well-being of all. It is intent of promoting the peace and hope through the proclamation of the Gospel, and through all the patient ways of dialogue with all people of good will.

## **2. Further Problematic Connotations**

But concern for a universal ethic and a global moral discourse is not simply a Christian imperative. It has become an urgent, practical necessity in the world all share today. Moreover, revisiting natural law means a readiness to transpose it into a context embracing the traditions of ethical wisdom embedded in all human cultures. The inheritance of Greek philosophy, and the largely European reflection deriving from it, needs to be now relocated within a moral community of planetary proportions, even if such a global awareness is only at an early stage.<sup>6</sup>

Let us now address three issues that tend to lumber the discussion of natural law with further negative associations. The first of these is transcendence.

*Transcendence:*

Presentations of a common morality grounded in natural law necessarily presuppose that ethical values can in some way transcend the bias of individual

and group egoism. Philosophers and moral theologians approach this topic in various ways.<sup>7</sup> Predictably, the role of prior religious, theological or metaphysical assumptions is debated.<sup>8</sup> Nonetheless, all recognize a kind of moral transcendence stirring in human consciousness. Truth and value exercise a restless finality compared to immediately pragmatic human purposes. Human beings do not live by instinct in a habitat, but inhabit the open world of moral responsibility. To be human is to be involved, for better or worse, in a realm of the consciously chosen or rejected good. What each one chooses to be affects, directly or indirectly, the social and cultural environment of human history. In contrast, then, to other animals, the human species is caught up in the throes of global self-making, so that each is summoned to be an active, moral membership of the human race. Everyone is a participant in the formation of moral wisdom that can direct, ennoble and heal the course of human history. However fraught the actual situation might be with economic problems, social dislocation, conflict, oppression and exploitation, the sense of a common natural law makes possible a discussion of the common good and the just ordering of society anchored in basic human rights. Such a notion of the moral law serves to generate, if not always a vigorous pursuit of the good in every situation, at least a bad conscience, and an acknowledgment of evils that might be later diagnosed and remedied.

*Nature:*

After the problems associated with transcendence, there is the question of “natural”. Natural law inevitably presupposes some notion of nature. In its primary meaning, nature is what each human being is born with. In a larger sense, it is what, through the course of history, we, individually and collectively, become.<sup>9</sup> Hence, a working definition of nature—in the context of this discussion—might be expressed as follows: it is that field of communication in

which we identify one another as human and assess the degree in which each of us supports and enhances our common humanity.

The content and range of that communication is bound to grow, as awareness of the good to be done and the evil to be avoided expands to greater proportions. This time of unprecedented pluralism often masks the breakdown of traditional ethno-religious moralities. Lest a nihilistic relativism result, some basis for the decent conduct of human affairs on an increasingly global scale becomes urgent. The crucial issue is not a theoretical discussion of what constitutes human nature, but rather the humane praxis of collaborating for the common good at this critical juncture of global history.<sup>10</sup>

In this regard “human nature” appears less as a philosophical and a-historical abstraction, and more as field of inter-subjective communication based on the irreplaceable dignity of each person in the human community. From one point of view, our humanity is a given, a datum—what each of us is born with; from another, it is a program—what we make of ourselves and our world, and the ways in which we can “mean the world” to one another. A discerning exploration of natural law is thus an invitation implicitly addressed to all, to become involved in the promotion of the common good of humanity, in prizing common values, in developing the required skills, in a continuing effort to establish a more workable world-order.

Consequently, the human being is viewed, not as an isolated metaphysical monad, but as a subject existing in an inter-subjective and relational coexistence. The *I* always lives from a prior *We*. The unnatural and even violent divisions that infected our past must yield to a joint development of a shareable, pacific

future—for the sake of future generations, the *They* who are dependent on our present decisions, with the recognition that all are earthed and embodied in the planetary, and ecologically understood, *It*.

In this context, the witness of wise, dedicated and often heroic men and women, embodying what is best in our humanity, give striking evidence of the values that the world most needs. The luminous presence of eminent scholars and scientists in their exploration of the political, social, economic, philosophical and religious dimensions of our social existence enriches any deliberation on the common good of all. There are the artists who, reacting against the loss of meaning in our world, refresh human consciousness with expressions of promise and beauty. Politicians who work with energy and imagination to implement programs for the eradication of poverty and the protection of democratic freedoms are giving an essential contribution. Clearly, too, those representing the great religious and spiritual traditions of our world, living their lives in the light of what they hold to as an ultimate truth and an absolute good, give an enduring testimony, and embody an ever-renewable resource.

*The Language of Law:*



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Thirdly, there is the negative connotation of “law”. In principle, the language of a binding law is something of the mother-tongue of all moral agents. Though it will inevitably be spoken in a variety of accents and idioms, it must not be limited to the perspectives of a particular philosophy, religion, history, culture or language group. The idiom of law is something of a

default-language used to describe the binding power of a common, globally extensive ethic. The negative connotations of a higher legalism or rule-bound morality must be candidly faced when, say, “natural law” suggests an external imposition on legitimate personal and communal freedoms. Consequently, it is imagined as binding on all, irrespective of their particular situations, and so appears to compromise the genuine aspirations it seeks to serve.

The challenge, then, is to show how natural law “binds” the human race together in the pursuit of a genuinely common good, and how it “binds” or connects humanity to its most noble values and aspirations. In this regard, natural law is not an abstract legal entity, designated by the grammatically neuter “it”, somehow imposed on different histories and cultures. Rather, what is at stake is communication in the inter-subjective realm of the planetary “we” of all who face into the hopes, fears and problems of the 21<sup>st</sup> Century. It is the expression and outcome of a shared moral imagination and conscience.<sup>11</sup>

A sharp observation attributed to Bismark states that if you respect law and have a taste for sausages, it best not to be present when either of them is being made. In the case of law, at least, the political process of hammering out legal formulations amid the welter of different claims may not be particularly edifying for the sensitive conscience— and therefore best left to the politicians. On the other hand, this is not the meaning of natural law. It suggests, rather, that everyone, in principle, is involved; and though we may rightly defer to the expertise of others for its formulation and application, what is at stake is the integrity of each one’s consciences and moral experience. In this inclusive perspective, there are no “professionals”, but, in the original sense of the word, a community of “amateurs”, that is “lovers” and cherishers of our shared



humanity. In this regard, natural law is not reducible to a codex of positive laws, but the law-founding-the-laws—the source from which all legal enactments flow, and light in which they are judged to be valid. If this is not the case, social conscience becomes progressively uneasy and conflicted; and positive laws will lack the fundamental authority to claim a responsible obedience on the part of society, and degenerate into arbitrary regulations in our often super-regulated societies.

Still, any expression of natural law and basic human rights aims to provide a language useful and accessible to law-makers. Those professionally involved in the political process and the judiciary system work at the sharp end of social justice where decisions are made and laws enacted, interpreted, applied and enforced. But without the recognition of natural law related to basic values it affirms and the seminal virtues it inspires, the legislative outlook is deficient. It is more likely to magnify the self-serving elements of society untroubled by larger responsibilities for the good of all. Hence, the question: Who are legislators acting for? For the socially powerful and competent? Or, for the disempowered and the defenseless who do not figure notably in the presumed “common good” of society? The institutional voice of law can easily boom over the silence of society’s victims whose claims remain inaudible in the halls of power. But natural law finds its focus in the human dignity of all human beings. It inspires a shared moral language, not an exclusive dialect. It includes in the common good those whose humanity is most threatened.

Undoubtedly, the Universal Declaration of Human Rights (1948) is one of the noble achievements of modern legal history. The results, however, have not been uniformly consistent with the globally-representatively conscience that

animated such a document. Two morally offensive reactions have occurred. The refusal, in many countries and cultures, to recognise basic rights deriving from the law of our common humanity—on the grounds that it that the whole perspective is too Western or even too Christian. Second, the discourse on human rights has been taken over by self-serving forms ideologies. An endless multiplication of rights owing more to the isolated consumerist individual than the responsibility for the common good has resulted. The ideology of liberal capitalism takes over. This cooption of law has led to the egocentric assertion of “my rights” against “the other” in an endless round of litigiousness. Here, the natural law and human rights are disconnected from shared responsibilities— to oneself, to society, and to global situation of humanity. Unless real or spurious legal entitlements are considered in the light of something more basic than legal consumerism, rights-discourse gets a bad name. Rights float free from responsibilities, individual and particular social goods are divorced from concern for the genuine common good. In that case, the limited perspectives of self-regard work against the self-transcending responsibilities that mark authentic personhood and a just society.

Admittedly, the various manifestations of “political correctness” have inspired a new linguistic etiquette of social inclusiveness. But when there is no way of appealing to deeper social values, cynicism and well-deserved satire are the result. Proliferating regulations lose their moorings in the dignity of the human person and its associated range of values and relationships. As a result, social ethics become increasingly brittle and superficial. The human proportion is lost. Laws cannot do the work of virtues. Virtues cannot exist without the moral values they intend; and even the most desirable value appears oddly abstract and remote from conscience. Neither legalism nor political correctness can

substitute for a social morality based on the deeper aspirations of the human heart.

Associated with the legal idiom is the implication that natural law presupposes an idealized, “innocent” moral situation without any acknowledgement of the evils that affect the human condition. A thorough diagnosis of the dynamics of scapegoating (Girard), violence (Schwager) and *ressentiment* (Scheler, *et al.*) latent in the history of all cultures is called for. However natural law is to be conceived, it cannot avoid the acknowledgment of “unnatural” laws that have structured the history of human societies. This is evident in the victimization of the other, in social dynamics of envy and in the totalitarian uses of violence. While current interest in a global ethic may be greeted as a secular grace in these critical times, it cannot proceed without an awareness of secular and dehumanizing forms of “original sin” which continue to pass on their sorry inheritance. In this sense, natural law discourse is an expression of protest and hope—directed against all totalitarian attempts, political, economic or cultural, to diminish the human community through indifference to human rights and transcendent values. In this sense, natural law is the creative principle empowering all agents of protest. It is a summons to move beyond an illusory sense of security or short-term gain—at the expense of others—for the sake of what most radically binds the human community and keeps it open to an ever more inclusive common good. In this manner, the notion of a universal natural law presents a modern challenge to retrieve a fertile historical source for ethical thinking; and, at the same time, it is an impulse to a “postmodern” critique of established economic, political and social structures. It works as a language of conversion to a global responsibility. No individual or community enjoys an untroubled innocence in regard to global community. Various forms of

individual and group self-promotion, and a corresponding contempt for the other are latent in all cultures, need to be contested. Such inhuman distortions have given rise to the violence, greed, and resentment for which there is no remedy other than through a common acceptance of a higher good. Under such a judgment, a globally articulated natural law is not the same as an unquestioning continuance of “more of the same”, a ratification of the moral status quo. It is rather a responsible openness to the imperatives of the new; and this will include an ethical concern for the disowned other, and attention to those voices of suffering hitherto inaudible in the routine worlds of legal discourse. In this respect, the language of natural law is revolutionary in its disclosure of the basis of human rights. Michael Ignatieff observes,

Rights are universal because they define the universal interests of the powerless—namely that power be exercised over them in ways that respect their autonomy as [moral] agents...[Rights] represent a revolutionary creed, since they make a radical demand of all human groups that they serve the interests of the individuals that compose them.<sup>12</sup>

### 3. Global Consciousness



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So much for prevalent prejudices. But there are problems, and the most obvious problem is that of connecting natural law to the new historical situation of “globalization”. While this term and its derivatives are frequently invoked, the meaning of globalization is seldom clear, given its numerous connotations and the variety of different contexts in which it is employed. It is not enough to keep repeated

the now worn-out metaphor of the “global village” when a small minority of the world’s people live in the splendid isolation of gated communities, consume most of the produce, own most of the natural resources, and control the means of production.

In its best connotation, globalization connotes a newly emerging stage in world history. Despite the differences and divisions inherited from the past—in relation to different geographical locations, nations, languages, cultures and religions—a new consciousness is emerging. In the background there is a growing awareness of the larger cosmic story of planet Earth, and the emergence of our humanity out of a long evolutionary history spanning the immensity of space and time. Humanity can now situate itself within a 14 billion year pre-history. In this regard, human consciousness awakens to a new humility. To be aware of the uncanny emergence of the cosmos, and of the singularity of life on this planet, is to live with a new sense of proportion. Whatever our national, ethnic, cultural or religious differences, we have a common origin within an unimaginably immense and fecund cosmic process. Given the sheer contingency of our existence, despite the infinitesimal insignificance of our physical being in the physical universe, human consciousness has a unique capacity to ask big questions: what is the significance of human existence? How do we belong together? How should we collaborate to bring a distinctively human contribution to the history of life in which we participate? Cosmic humility leads undermines all egocentric pretensions. The universal order into which all are born does not revolve around any particular individual, group, nation or culture. A self-centred pride appears as the ultimate absurdity, and the destructive conflicts to which it gives rise are a profound dislocation of the reality in which we share. A

new-found humility is the backdrop against which the phenomenon of globalisation and its appropriate ethics can be approached.

*Weaving the World-Wide-Web:*

In today's global experience, cosmic humility is accompanied by new human capacities. The astonishing developments in electronic communications have brought a new intensity and immediacy into human contact. It is as though our senses have been immeasurably extended. In principle, each individual is newly embodied in an electronic network of communication, with striking consequences for social interaction, culture, business and scientific collaboration—and a common ethical discourse. Human co-existence has been intensified and expanded. A common humanity is less an elusive abstraction, and more something to be actualised in the creative form of a living conversation. But new forms of communication, along with new modes of teaching and learning, are not reducible to the wizardry of transferring information alone. They promise a fresh step in the formation of the human milieu, not without its own profound moral sensitivity. Note that Tim Berners-Lee donated the WWW system to humanity, and refused to patent it for his own profit.<sup>13</sup> In this, he claimed to be motivated by “universalist” principles. With the web as a “global commons” of interconnectivity and reciprocity, there emerges the possibility of a participative democracy in a new key.<sup>14</sup> The darker realities of mass manipulation, pornographic exploitation, loss of privacy are evident. Still, to explore the universality of natural law without taking into account this new phenomenon of world-wide communication would be irresponsible, not to say irrelevant to contemporary human experience.<sup>15</sup>

*Moral Provocations:*

Efforts to communicate the binding power of the natural law of a global morality are being inspired by a number of moral provocations. The people of the world are not always sitting at home in front of computers. For instance, the experience of travel and tourism contribute to a mutual exposure of cultures in ways that can cause a deep questioning of what has long been taken for granted in one's social environment. More dramatically, this period of mass migration means that more settled and self-sufficient societies are brought in contact with other histories of unimaginable suffering and hope. The presence of refugees, fleeing from natural disasters or oppressive regimes, inspires responsibilities and a level of compassion that soon demand to be more than sentiment. Further, the shock-effect of natural disasters (E.g., the tsunami catastrophe on the Northern rim of the Indian Ocean, the cyclonic destruction of Myanmar, the earthquake in Western China) has the effect of summoning peoples far removed from such tragedies to experience the imperatives of helping the suffering other. At least episodically, a global consciousness of solidarity and a consequent global conscience is felt. As a result, any given country is forced to re-express its often unexamined attitudes to the "other". A larger, more generous and more collaborative comprehension of our common humanity is being provoked.

*Global Economics* presents the most difficult range of problems. Globalisation in this context is seen at its most threatening—and most demanding of an ethical analysis. The global reach of economic power, with its enormous powers of instant communication unhampered by geographical and national barriers, its huge fund of available capital, is biased against more humane considerations of natural justice. The economic well-being of whole countries can be sacrificed to economic imperatives of efficiency and profit. What might have been hailed as a new economic order enabling a more just distribution of the world's goods, has

moved in the direction of giving centralized regional economies access to the peripheries of cheaper goods and labor, and the consequent exploitation of the weaker. The imbalance of this situation calls for a revaluation of the economic arrangements so that they are not a law unto themselves. The profit of the few must account for the social and cultural well-being of all. A global neo-capitalist consumerism can rightly be termed the new “opium of the people”. How a new economic order might respect a larger scale of values, especially when the widespread consumerist delirium is so wasteful in regard to the environment, is no small challenge. And it will be insuperable unless the natural law of our common humanity is more deeply and broadly taken to heart.

*Peace*, given the enormous military arsenals of many countries and new forms of terrorism, is a crucial issue. Only some new vision of a pacific global humanity and a revitalisation of its enduring values, can lead to the disarmament of the heart. The hope that makes peace possible must be concretely expressed in new structures of mediation and reconciliation, and a new determination to overcome the political and economic evils that degrade so many. A deep question stirs: does the human race live in a moral universe, or is it essentially adrift in an unalterable world of conflict and violence, governed by the law of “might is right”? Is there, then, a natural law of common morality that can make peace possible, and give peace-makers a language to speak?

Clearly something more than a general liberal tolerance is required. For example, War crimes are prosecuted in international courts of justice. Evil actions are identified as an intolerable “excess” compared to the horrors of war itself. Admittedly, this category of war crimes was tainted in its beginnings by being associated with the justice of the victorious powers in the Second World War.



Nonetheless, there is a latent moral discourse emerging, based on sense of intolerable evils and unquestionable values.

Another area of discord is nationalism. While economic developments for good or ill have relativised the omnicompetence of the nation-state, moral discourse lags behind. National interest predominates over international responsibility. Thus, the integrity expected of individual conscience is not readily presumed on national level. No one with any sense of human history or society can doubt that legitimate areas of national autonomy and self-determination must be respected.<sup>16</sup> But a self-regarding national autonomy does not easily cohere with global moral self-transcendence. Nor does self-determination mean national or cultural forms of egoism irrespective of trans-national responsibilities. Some predictions remain bleak.<sup>17</sup>

#### 4. The Interior Foundation of Natural Law in Self-Transcendence



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After this cursory diagnosis of the impediments to a reconsideration of natural law, and a brief indication of the global situation provoking a larger moral consensus, we now wish to locate the communication of natural law in a more interior and intentional manner. This will mean developing

what has already been said against the idea of natural law as an external imposition, and so to indicate its basis within human consciousness itself. In this regard, natural law is not an external abstract norm independent of any intelligent and moral consciousness. It is more an intentional and an inter-

subjective quest with implications of a heart-to-heart, eye-to-eye, mind-to-mind acknowledgement of all others as partners in an enterprise of global responsibility.

A universally applicable natural law typically appeals to the criteria of “reason” and “good will”. But these criteria do not reside in the supra-temporal faculties of metaphysical psychology. Nor are they found simply by appealing directly to the particular experience of moral conscience, without any relation to the dynamics that shape human consciousness as a whole. Lonergan’s style of “intentionality analysis” is especially useful in this regard.<sup>18</sup> He crystallises the dynamics of consciousness in reference to the four imperatives: Be attentive! Be intelligent! Be reasonable! Be responsible! These imperatives are basic both for personal development and large scale collaboration. Conscience, then, is not in the first place a refined moral sentiment, but a consent to the self-transcending outreach implied in being attentive to new data, in asking the questions that need to be asked, in deliberating over the evidence in order to judge the reality of the situation; and, in consequence, in being responsible in collaborative decision-making.<sup>19</sup> If any of these activities is repressed or denied, a pervasive unease results (a good example is the hotly debated issue of global warming). We are left with gnawing sense of not acting in a fully responsible manner. But the more these self-transcending imperatives are heeded, the more attuned we are to inner law of our being—without which natural law can be nothing more than an external imposition.

At the heart of a global consciousness is a shared orientation to self-transcendence.<sup>20</sup> If any of these levels of shared consciousness is lacking, communication will be distorted, and restricted to the pragmatic, short term,

specific purposes— rather than awakening to the horizon of the common goal or finality inscribed into our historical co-existence as human beings. Sokolowski has suggested a graphic terminology to describe the various barriers blocking a common involvement in natural law.<sup>21</sup> Communicating in this global moral realm has to cope with the “impulsive” who hurry past the actual data of the situation. In Lonergan’s terms, they fail in attentiveness. It will be frustrated by the “obtuse” who refuse to raise the pertinent questions. Furthermore, any creative response proportionate to this global phase of human history will be burdened by the “immature”. By refusing the demands of evidence, these opt to remain in a familiar world of mere impressions. More seriously, the global community of concern will be infected by the “vicious”. These, imprisoned in self-serving bias, cannot see beyond the limits of their selfishness.

The appropriation of one’s own self-transcendence inherently leads to respecting the self-transcending existence of the other. This reciprocity is the communicative field in which genuine dialogue and a living conversation can occur. When natural law has its foundation in the self-transcendence of each and all, it comes to expression, as it were, from “the inside out”, rather than being an imposition from “from the outside in”. In this respect, natural law is the deepest expression of loving one’s neighbour as oneself, right at the common point of self-transcendence. The global *We* is not merely a collection of individuals defined by physical, cultural, historical, social and religious circumstances. For each one is a living consciousness unfolding in ways that are necessarily common to all human beings. Thus, natural law means an exchange at the very root of authentic personhood. As a shared and open-ended aspiration toward something more, it has the character of an “event”, the full meaning of which only time and history will disclose.

As mentioned above, such an understanding of natural law has no need to pretend that the concrete situation is one of pristine innocence. There is always a backlog of hard feelings, resentments, hurts, divisions and conflicts.<sup>22</sup> All parties have suffered the similar kinds of defeat under the “unnatural laws” that have led to defensive self-enclosure which must be admitted. This is precarious and painful moment in the development of a global morality. But the common acceptance of global responsibility is not without its therapeutic dimension. But it means acknowledging that all involved are “patients”; and that no participant in the global conversation can pretend to a superior professional objectivity. For all must acknowledge the scandal of evil working in the bitterness that has poisoned past relationships, prevented meeting on any meaningful level, and wrapped the other in an impenetrable cloud of suspicion and fear. If these levels of bias are not brought into the open, nothing new in a global consensus can emerge. At best, the promise of a self-transcending global morality will be lost in the compromise of superficial “good relations”.

On the other hand, once the historical facts of bias and hard-feelings are admitted, a conversation on what constitutes the natural law of our co-existence can unfold. New feelings stir in the shared aspiration toward something new and something other compared to the past. There is a sense, however obscure, that this present moment of history cannot be allowed to be a mere repetition of the past. A freshly sensed “we” takes possession in a radically different context: the other is not frozen out as a repellent otherness, but is now welcomed into a shared and hospitable space of promise and healing, in fresh humility and attunement to what most matters.

Underpinning every instance of self-transcendence is a commitment to what grounds and transcends all limited attainments, and keeps them open to the future. This fundamental orientation can be named as a love for the good of all that beyond all restrictions and exclusions, in an expanding moral responsibility.<sup>23</sup> In that horizon, there is an excess residing in spiritual experience of a more contemplative kind. It provokes inquiry into the meaning of all that is found meaningful, and into the ultimately sufficient reason of all the sufficient reasons on which judgments are based. It may set all particular responsibilities in a context of collaboration with a transcendent will and purpose working throughout the universe—however this may be named. It can give rise to a shared sense of natural law at the most intimate and universal point of ultimate commitments and hopes. This spiritual experience is at the apex of the interior participation in a shared natural law, even if it exposes or intensifies particular differences in the areas of cultural and religious beliefs. But such a situation can provoke a more thoroughgoing conversion to what transcends each attainment in the present, in terms of the truth yet to be discovered and the good yet to be realised. It will support the tolerance, patience and collaboration necessary if present evils are to be remedied and the common good is to be promoted in ever fresh ways.

All this is to suggest that natural law presupposes rather more than a thin notion of reason as a logical and deductive activity. A richer, many-leveled notion of rationality is implied, based in the imperatives of self-transcendence so that experience, imagination, intelligence, reasonableness and an affective response to values come into play. Such a notion of rationality allows for both a tacit sense of the values and a discernment of the concrete good in ways that elude complete propositional expression. To this degree, it is more akin to what is currently

named “emotional intelligence”, and previously termed “connaturality” in the vocabulary of the Thomistic tradition, as the intimate attunement of human nature to the realm of aesthetic and moral values.

The common good as the goal of self-transcendence is always developing. It is never a fixed and finished possession. The self-transcendence of the individual is actualized in the self-transcendence of the communities. It appeals to the self-transcendence of this present generation for the sake of the generations to come. The common good so envisaged includes the immediate and ultimate good of the individual, the good of society training its members to the virtues and skills necessary for its progress, the good of an overall order and political structure. It is a restless forward movement. From this perspective, natural law is the law of genuine human progress. It is the source, latent in human consciousness itself, of the truths and values that renew cultures and counter the forces of decline.

### **5. Differentiations of Natural Law in New Contexts**

While natural law refers essentially to the common good of all, that good becomes more differentiated in the light of new responsibilities. The complete hierarchy of values— e.g., physical, chemical, biological, ecological, economic, political, social, cultural and religious constituents of our global humanity— must be practically appreciated. There can be no adequate response to complex questions dealing with the bio-physical environment unless it includes the moral ecology of values which sustain human culture in its varied responsibilities.

When the full scale of values is so understood, communication of a common natural law cannot bypass the ecology of the biosphere of nature itself. In recent centuries, the destruction to the biosphere, and the resultant threat to its myriad

species, has been of appalling proportions. An extreme reaction has been “Deep Ecology” (Arne Naess). It so absolutises the equality of species that it leaves no special role for the human. Indeed, some consider the human presence on this planet as a destructive virus infecting the integrity of nature; and, therefore, of no meaning and value within the natural biosphere. Taken to that extreme, a new kind of totalitarianism threatens, potentially inhospitable to human existence and legitimate human progress.

What is required, therefore, is a deeper understanding of natural law as binding human culture to the biophysical milieu in which it is embodied and sustained. Though human consciousness transcends the immediate bio-physical environment, it does so only by accepting its specific responsibility for the natural world, and living in harmony with it. Recent decades have witnessed the growth of an ecological conscience. Scientific, aesthetic, ethical and religious concerns converge in the appreciation of the world of non-human nature as a good in itself, independent of its status as a human resource. Yet human existence is embodied within the realm of nature; it depends on the biophysical world for its sustenance and development. In the broadest ecological horizon, human intelligence, imagination and freedom are properly understood as a dimension of the creativity and adaptability of nature as a whole. But the extent of human destructiveness in regard to the natural world underlines the need for some kind of ecology of the values within human consciousness itself if it is to be formed into a responsible care for the biophysical reality of the environment. The self-transcendence we have appealed to as the basic law of individuals and communities, is not motivated by some Platonic ideal of an extraterrestrial good. Nor, for that matter, is it exhausted even in a new openness to the other—the stranger, the victim, the neighbour—in human society. It is a self-transcendence

in regard to the natural world as well, not in the manner of detached exploitative rationality haunting it, but inhabiting it as a homeland and a neighbourhood in which all life is respected. Natural law and the law of nature converge, so that human rights and claims of nature belong together.

We have been stressing the interior location of natural law within human consciousness so that it is understood as an inter-subjective field of communication. From there we located natural law as an ecological binding of the human to nature as a whole. But there is an outstanding question of some difficulty in the light of evolutionary science and the often and unnecessarily reductive influences of sociobiology. How can natural law be related to the evolutionary emergence of human nature? To put it another way: how is human nature, and the appreciation of natural law, affected by the dynamics of evolution?<sup>24</sup> Raising such questions does not imply undermining the unique role of the human species. However, with the advent of a more empirical approach to the human phenomenon, philosophical talk of “natures”, in the case of the human as a “rational animal” (*animal rationale*, *zoon logikon*) has yielded to heuristic extrapolations based on experiment and statistical methods. The human as a definable nature –as with the genus (“animal”) and species (“rational”) of classic thinking— has had to come to terms with the human as a manifold *datum*, not only in its varied cultural and historical contexts, but also in its location within an evolutionary world.

Only comparatively recently has science begun to pay specific attention to the human. The peculiar complexity of the human phenomenon was lost in other considerations. But the hundred organs, the two hundred bones, the six hundred muscles, the billions of cells, the trillions of atoms which somehow conspire to



constitute our embodied selves are a phenomenon calling for extensive exploration. Scientific exploration has moved with exquisite sophistication into the very large and very small dimensions of reality, to leave the quasar and the quark more easily named than the human self. Science, it seems, is more at home in the intergalactic than in the interpersonal. It is more familiar with sub-atomic indeterminacy than with human freedom and human destiny. Though chemistry and biology have dealt with the molecular and genetic structures of living things, they have paused, comparatively tongue-tied before the complexity of the human phenomenon. It is more comfortable for the scientist simply to avoid eye contact with other human beings than to ask what mystery has awoken in the consciousness we have –of our selves and others. Better, perhaps, to leave the human objectively classified as one of the millions of species on this planet.<sup>25</sup>

On the other hand, levels of living and non-living things exist below and before human consciousness, related to one another not as closed but as open systems. Sub-atomic particles assemble themselves into the elements of the periodic table. Chemical elements come together into increasingly complex compounds. These compose the enzymes and acids of the living cell. Cells are organised in all the variety of plant and animal life—to reach nature's unique achievement in the phenomenon of the human brain. This process is far removed from a world of fixed and static natures more or less blended or juxtaposed. What emerges is more a kind of participatory interlinking of many levels in the constitution of the human. What is in evidence is a complex relationality in which higher possibilities are preformed in the lower, in the successive emergence of atoms, neurones and DNA molecules, cells, organs, organisms, bodies, bondings, populations, and eco-systems.

How does evolutionary emergence affect a notion of natural law? The emphasis on the ethical might well make us oblivious of the generic “animality” of the human condition. Here, sociobiology, when detached from its ideologies, can teach us much about human behaviour by setting humanity within the evolutionary emergence of the animal. By recovering the “animal” within us, we more adequately understand ourselves. The details are subject, of course, to wide ranging debate. But balanced perceptions are beginning to emerge. We are not “disembodied intelligences tentatively considering possible incarnations”, but concretely embodied human beings with “highly particular, sharply limited needs and possibilities”<sup>26</sup>. Our capacities to bond, to care for our young, to feel for the whole group are rooted in our evolutionary animal nature. As Mary Midgley observes, “We are not just like animals; we *are* animals”.<sup>27</sup>

The acceptance of our animal nature counteracts the prevailing liberal conception of the human person as a detached intelligence, living in an isolated, self-sufficient individuality, jealously asserting, it may be, one’s own rights against all others. Our kinship with the animal realm presents offsets an ethereal sentiment of both individual existence and global belonging unaware of the inherent limitations of each. Particular feelings and actual bondings are “given” in ways that demand to be respected. Neither interpersonal relations nor religiously-inspired universal love can afford to bypass a natural ordering of relationships.<sup>28</sup>

From a sociobiological perspective, all human relationships are located within an immense temporal and spatial context. We cannot ignore our evolutionary heritage. A sense of our specific humanity is something bred into us through the dynamics of evolutionary survival and development. By owning our place in an evolutionary biological world, we are less inclined to think of the human self as a

free-floating consciousness. Our present responsibilities have a biologically-based emotional constitution. They are shaped in a particular direction by the genesis of nature. There are “givens” in the human constitution; and these conditions precede freedom, never to be repudiated unless at the cost of denaturing ourselves in a fundamental manner. In sexuality, for instance, neither culture, nor a person-centred spirituality, is the only consideration.

Primary relationships to family, friends, community, society, need to be recognised in their particularity as priorities in our concerns. We belong to the whole human family through a particular family. We enter the global community by being connected to a special place and time. Self-transcendence is possible only by way of the given limits. It cannot be detached from the kin-preference deriving from our animal nature. We are naturally and instinctually bonded to our own species. Through our common animal descent and genetic inheritance, innate affective and other-regarding orientations are bred into us.

Still, our genetic emergence provides a basis for a deep sympathy, in the strongest sense of the word, with the whole community of living things. The other is not first of all a rival or a client, nor a possession or a resource, but a companion in the unique community of life on this planet: “We are incurably members of one another”.<sup>29</sup>

Human history cannot cut itself off from nature, nor is it natural for nature to swallow up human history in meaninglessness, to wipe the screen clean of human meaning in blank extinction. One cannot easily believe that evolution aims at decapitation. Yet neither does it aim at disembodiment. The historical challenge at the moment is to achieve a new embodiment, a new earthing in the

planetary and cosmic process, a full-bodied recognition of the past within the wholeness of the history and nature that has brought us forth.

### **Conclusion**

The articulation of natural law presented here has its cognitive dimensions, with its objective accounts of the human person, the philosophically and scientifically established nature of reality, and the real status of human rights, and the interpretation of the laws protecting them. But even such vigorous objectivity will be lost in the higher realms of theory if it is not set within a larger field of meaning.<sup>30</sup>

Natural law has a constitutive function. It is somewhat analogous to the manner in which the constitution of a country “constitutes” the identity of its citizens. It informs their sense of rights and responsibilities. A global articulation of the moral law constitutes each human subject in a particular relational identity, as intrinsically possessing basic rights within the human family. Clearly, too, natural law possesses a communicative function. It arises from, and leads to, a community of shared discourse, especially given the global context of our present concerns. Likewise, the formulation of natural law is meant to be effective. It has the potential to change the world in some way. This dimension of meaning has been exploited especially by emancipatory forms of discourse. For our present purposes, the exploration of the universal moral law can be presented in its world-transforming significance, as a way of uniting the human world in the meanings and values proportioned to this stage of its global history.

With these four dimensions of meaning in mind, the exploration of natural law provokes a fuller conversion to the global common good. In turn, conversion

will be assisted in no small way if it is inspired by a new form of “conversation” in which none of the participants is the established authority, but when each is beholden to the truth and goodness which can alone humanize our world.

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<sup>1</sup> For a good reference, see Anthony J. Lisska, “On the Revival of Natural Law: Several Books from the Last Half-Decade”, *American Catholic Philosophical Quarterly* 81/4 (Fall 2007): 613-638.

<sup>2</sup> *Compendium of the Social Doctrine of the Church* (Rome: Libreria Editrice Vaticana, 2004). On a more pastoral level, an instance of practical application is Roland Minnerath, *Pour une éthique sociale universelle. La proposition Catholique* (Paris: Cerf, 2004), written for the European parliamentarians at Strasbourg.

<sup>3</sup> See David Braybrooke, *Natural Law Modernized* (Toronto: University of Toronto Press, 2003); Howard P. Kaintz, *Natural Law: An Introduction and Re-Examination* (Chicago: Open Court, 2004); Stephen Theron, *Natural Law Reconsidered: The Ethics of Human Liberation* (New York: Peter Lang, 2002).

<sup>4</sup> See Fulvio De Blasi, *God and Natural Law: A Rereading of Thomas Aquinas*, trans. David Thunder (South Bend, Ind.: St Augustine’s Press, 2002); and John Goyette, Mark S. Latkovic and Richard S. Myers (eds.), *St Thomas Aquinas and the Natural Law Tradition: Contemporary Philosophical and Theological Perspectives* (Washington, DC: Catholic University of America Press, 2004).

<sup>5</sup> R. Sokolowski, “What is Natural Law?”, *The Thomist* 68/4 (October 2004), 529. See also Robert Gascoigne, *The Public Forum and Christian Ethics* (Cambridge: Cambridge University Press, 2000), especially chapter 4, “The Communication of Christian Ethics in the Public Forum”, 163-211.

<sup>6</sup> See William French, “Common Ground and Common Skies: Natural Law and Ecological Responsibility”, *Journal of Ecumenical Studies* 42/3 (Summer 2007): 373-388. Note his reference to other religious traditions: Jewish (David Novak, *Natural Law in Judaism* (Cambridge: Cambridge University Press, 1998), and Muslim (Abu al-Fazl Essati, *Islam and Natural Law* (London: Islamic College for Advanced Studies, 2002), and Seyed Hossein Naz, *Religion and the Order of Nature* (Oxford: OUP, 1996), along with various Buddhist and Hindu thinkers (382-386).

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<sup>7</sup> Here we recognize the pivotal significance of Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1982). On this point, see Russel Hittinger, "After MacIntyre: Natural Law Theory, Virtue Ethics and Eudaimonia", *International Philosophical Quarterly* 24 (1989): 449-61.

<sup>8</sup> For instance, John Finnis, *Natural Law and Human Rights* (Oxford: Oxford University Press, 1982) is faulted by Henry Veatch, *Swimming against the Current* (Washington, DC: Catholic University Press, 1990) for losing a necessarily ontological transcendent connection. See also, Jean Porter, *Natural and Divine Law: Reclaiming the Tradition of Christian Ethics* (Grand Rapids, MI: Eerdmans, 1999), and more recently, *Nature as Reason: A Thomistic Theory of Natural Law* (Grand Rapids, MI: Eerdmans, 2004). For, from a Thomist perspective, the necessary connection between the ontological and the ethical, see Luis Cortes, *The Disfigured Face: Traditional Natural Law and Its Encounter with Modernity* (New York: Forham University Press, 2008).

<sup>9</sup> See Eberhard Schockenhoff, *Natural Law and Human Dignity: Universal Ethics in an Historical World*. Trans. Brian McNeil (Washington, DC: The Catholic University of America Press, 2003).

<sup>10</sup> For sustained effort in the area of inter-religious collaboration, the outstanding example is Hans Küng, *Global Responsibility: In Search for a New World Ethic*. Trans. John Bowden (New York: Crossroad, 1991); and *A Global Ethic for Global Politics and Economics*. Trans. John Bowden (Oxford: Oxford University Press, 1997).

<sup>11</sup> This aspect is nicely opened up in William Schweiker, "Whither Global Ethics? Moral Consciousness and Cultural Flows", *Journal of Ecumenical Studies* 42/3 (Summer 2007): 425-439.

<sup>12</sup> Michael Ignatieff, "Attack on Human Rights (*Foreign Affairs* 80/6 (December 2001), 102-116.

<sup>13</sup> See Tim Berners-Lee, with Mark Fischetti, *Weaving the Web: The Original Design and Ultimate Destiny of the World Wide Web by its Inventor* (New York: Harper San Francisco, 1999).

<sup>14</sup> Berners-Lee, *Weaving the Web*, 207-209. Note also the influential book, Charles Leadbeater, *We-Think* (London: Profile Books, 2007).

<sup>15</sup> See Ingrid H. Shafer, "A Global Ethic for the Global Village", *Journal of Ecumenical Studies* 42/3 (Summer 2007): 440-453.

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<sup>16</sup> See Elias Baumgarten, "In Search of a Morally Acceptable Nationalism", *Journal of Ecumenical Studies* 42/3 (Summer 2007): 355-362.

<sup>17</sup> One well-known instance is Samuel P. Huntington, *The Clash of Civilizations and the Remaking of the World Order* (New York: Touchstone, 1997).

<sup>18</sup> Bernard Lonergan, *Method in Theology* (London: Darton, Longman and Todd, 1972).

<sup>19</sup> For an astute application on Lonergan's thought, see John C. Haughey, SJ, "Responsibility for Human Rights", *Theological Studies* 63 (2002): 764-785.

<sup>20</sup> In this context, see especially, Bernard Lonergan's essay, "Natural Right and Historical Mindedness", in *A Third Collection: Papers by Bernard J. F. Lonergan, SJ*, ed. Frederick E. Crowe, SJ (New York: Paulist Press, 1985): 169-183.

<sup>21</sup> Sokolowski, "What is Natural Law?", 515-517.

<sup>22</sup> Lonergan, *Method in Theology*, 30-34.

<sup>23</sup> Lonergan, *Method in Theology*, 104-107.

<sup>24</sup> See Stephen Pope, *Human Evolution and Christian Ethics* (Cambridge: Cambridge University Press, 2007), especially chapter 11, "Natural Law in an Evolutionary Context", 268-296.

<sup>25</sup> For an abundance of wry, witty and deeply philosophical observations, see Walker Percy, *Lost in the Cosmos. The Last Self-Help Book* (London: Arena, 1983).

<sup>26</sup> Mary Midgley, *Beast and Man: The Biological Roots of Human Nature* (Ithaca: Cornell University, 1978) 71.

<sup>27</sup> Midgley, *Beast and Man*, xiii.

<sup>28</sup> See Stephen J. Pope, "The Order of Love and Recent Catholic Ethics: A Constructive Proposal", *Theological Studies* 52/2, June, 1991: 255-288.

<sup>29</sup> Mary Midgley, *Animals and Why They Matter* (New York: Penguin, 1983), 21.

<sup>30</sup> For the dimensions of meaning, see Lonergan, *Method in Theology*, 76-78, 178, 306, 356.

### **Author**

Tony Kelly CSsR is Professor of Theology at Australian Catholic University and member of the International Theological Commission.

**Email:** a.kelly@mcauley.acu.edu.au