

Chapter 6

Conclusion

Over the centuries, natural law ethics and reasoning has proved extraordinarily resilient. The relative influence of different philosophical positions waxes and wanes. But natural law's understanding of the character of reason and the human mind's capacity to know the truth about reality remain immensely attractive to people living in very different social, political, economic conditions,

One reason for this, I suggest, is that while the world of the twentieth-first century may differ greatly from the societies in which Aquinas, Suárez, and Grotius lived, the basic problems addressed by natural law thinkers persist. Tyranny has, after all, emerged in every age. People have been arguing about the nature of freedom and justice from time immemorial. Arguments about the origins and ends of property never seem to go away.

Judging the morality and rightness of one's own and others' choices and actions as we respond to such problems requires humility and experience. Yet it also demands some degree of confidence that principled answers to these questions do exist, and that our minds are capable of knowing such answers.

Natural law holds that our reason *can* provide us with knowledge of first principles that help us develop coherent and logical responses to the moral, political, legal, and economic quandaries that confront us. It is thus at odds with any theory that maintains an *a priori* commitment to philosophical skepticism at its core. Natural law does not deny that we should be careful about accepting without any critical reflection anyone's insistence upon the rightness or wrongness of a particular path of action. Nor does natural law dispute that right reason and sound moral judgment is in many ways relative to situations and so varies rightly from time to time, place to place, and even person to person. As already observed, it is part of the very meaning of

many moral principles (e.g., honour your parents) that they apply variously, i.e., in varying ways on varying occasions. Natural law theory, we have seen, also acknowledges that there are often many possibilities for doing good that might be incompatible with each other, but which are nonetheless consistent with the principles of practical reason.

Curiously, it may well be natural law's insistence that there are universal moral and philosophical truths knowable through right reason that represents one of its most important contributions to the maintenance of free societies. For many people who primarily think about natural law in terms of prohibitions, this connection between truth and liberty may seem initially counterintuitive. It's therefore worth reflecting more on this point.

Many philosophers and social scientists have argued that psychological urges, cultural and social influences, and economic conditions affect an individual's potential to choose. Enhanced knowledge of these factors has helped us to be more attentive to their impact on human choice and action. But it has also led some to conclude that reason only allows us to decide how we achieve certain objectives, and to view the ends of our choices as the result of the unchosen workings of our emotions and instincts, which themselves are often reduced to the workings of chemical processes within human beings and/or the results of our cultural conditioning.

Another factor at work is the post-Enlightenment tendency to think that 1) the only truth that we can really know is the information yielded through the natural sciences, and that 2) we should consequently be sceptical about any claim that cannot be explained or proven by empirical methods of inquiry. Within such frameworks, any claim not grounded on an empirical basis is often deemed to be a subjective interpretation and therefore not universally binding.

Reinforcing these tendencies has been awareness that many opinions and movements have claimed the mantle of truth and, in the name of truth, suppressed freedom and murdered millions via guillotine, gas chamber, or gulag. Once someone claims to know the truth about morality, the argument goes, the temptation is to force others to embrace such truths through the use of state power.

We have already seen in Chapter 3 that natural law does not translate into an open-ended use of state power to promote particular moral goods and prohibit specific moral evils. On the contrary, natural law puts principled

limits on the state's scope to do so. It is also arguable that scepticism about the type of truth-claims promoted by natural law opens the door to significant curtailments of freedom and justice.

The American philosopher Richard Rorty (1931-2007) once wrote that it is only on the basis of relativism that democracy and freedom will be safe. "No specific doctrine," he stated, "is much of a danger, but the idea that democracy depends on adhesion to some such doctrine is" (Rorty, 1988: 33). In Rorty's view, the search for impartial standards like those proposed by natural law against which humans can judge themselves, others, and those in positions of authority, is futile. Nonetheless, Rorty later added, those who hold to no objective standard and claim no foundation in practical reason can still feel outrage about unjust curtailments of liberty (Rorty, 1991: 31).

But how, we must ask, is the rightness of such outrage to be discerned? How can we know it is justified without the type of reference point that Rorty rejects?

Think about it this way: If there is only opinion—your opinion, my opinion, everyone else's opinion—but no truth, and if every opinion is valid simply by virtue of being freely chosen, or by reference to one's subjective preferences, we could state: "The Nazis and Communists cannot be held accountable for their destruction of freedom and justice because they acted according to their own preferences, they showed real commitment to their opinions, and who in any case is to judge that what they did was wrong?"

In such circumstances, public debate can easily cease to be a matter of reasoned discussion of the truth of people's positions, whether the topic is trade, property rights, the nature of justice, or the limits of state power. Instead, there is a possibility that questions of politics, law, and morality will slowly gravitate to the issue of who can muster sufficient force—whether through electoral majorities or the barrel of a gun—to advance their opinion over the opinions of others.

From this perspective, the commitment to knowing ethical and philosophical truth which is central to natural law and shapes its approach to political, legal, and economic order may not be as great a threat to liberty as sometimes supposed. If something as important to free societies as the rights that protect individuals and communities from unjust coercion from others and the state are not grounded in truth-claims about the character of good and evil, and therefore justice and injustice, we cannot discount the

possibility that rights may be reduced to whatever mobs, powerful individuals, well-connected lobbies, the government, or some combination of all these forces want them to be.

In such circumstances, what the United States Declaration of Independence called “unalienable rights” would no longer be so unalienable. Any state that comes to be seen as the ultimate source of rights is also a state that can take away those same rights—in which case rights would no longer be about justice; instead they would function simply as political and legal masks for raw assertions of power.

Therein lies one of natural law’s major contributions to politics, law, and social life in a free society. It provides principles grounded upon reason that are independent of the perpetual rising and falling of what is fashionable or the influence of interest groups.

Without some type of conviction, however latent it might be, that there are universal moral and philosophical truths which the human mind can comprehend, it is harder for free societies to resist whoever happens to be the stronger, or more ruthless, let alone create space for people to make the type of free choices that allow us to participate in goods that are self-evidently beneficial for humans. In this sense, understanding natural law and the principles that it embodies surely has enormous potential to serve as a powerful ballast for the free society and to remind us of why liberty is important and why the protection of freedom merits eternal vigilance.