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### CHRISTIAN ETHICS AND NATURAL LAW

The life history of certain philosophical and theological terms and concepts constitutes in itself an interesting matter for consideration and reflection. None is more interesting than that of natural law. Many studies have traced the development of natural law philosophy from its early precursors among the Pre-Socratics through Plato and Aristotle, the Stoics, St Thomas, and the early British empiricists; have noted its demise in the nineteenth century, largely as a result of the criticism of Hume; and have observed its renaissance in the twentieth century. Despite this undeniable revival of interest in the theory (if, indeed it can be called a theory, given the wide diversity of philosophers who have identified themselves with it) in the present century, a moral philosopher uses the term only at great risk, for no philosophical theory has been so vigorously attacked and so thoroughly 'refuted' as natural law.

The attack on natural law has come from three sources. First, it has been attacked by the social scientists, including the lawyers, largely on the grounds that it posits metaphysical, which is to say, unverifiable, elements operative in society and thereby sets itself outside the area of legitimate social study. Social science, as exemplified by sociological jurisprudence, insists that its sole subject matter is that which can be discovered empirically in the operations of society. Hence, the jurist of this persuasion maintains that law is what the courts decide, or at least no more than a *prediction* of what the courts will decide. No room here for eternal and immutable principles of right.

Second, the natural law theory has been attacked by philosophers. Part of this assault has been on the same basis as that of the social scientists, viz, the non-verifiability of the theory on empirical grounds. But there have been other powerful criticisms as well: moral criticisms bearing on the alleged fact that there are no rules or principles which we are not at some time called upon to give up, the conclusion being that there can be no eternal or immutable laws governing all men; epistemological criticisms dealing with the question of the allegedly intuited first principles of morality contained in the natural law.

And third, there have been theological criticisms of the natural law theory. These have been launched primarily by certain Protestant theo-

gians who have insisted that man in his sinful state, fallen man, man in his existential condition, the human condition, cannot put his hand to anything which does not turn to evil in some way, either gross (as in Nazism or Communism) or subtle (as in Western humanism and secularism). We are told that the root and ground of Christian ethics is the law of love as revealed in the New Testament: Thou shalt love the Lord thy God with all thy heart, soul, and mind: and thou shalt love thy neighbour as thyself. Since the natural law is, by definition, a function of the human reason (as St Thomas assures us in Q. 91 of the *Summa Theologica*), it, like all other human functions, stands under the judgement of sin.

It is my intention to look at the third of these three criticisms to see if it cannot be blunted a bit. I wish to do this because I am persuaded (a) that Protestantism is quite sound in its apprehension of the fundamental nature of Christian ethics. But at the same time, I am convinced (b) that we cannot and need not give up the ghost so easily with respect to natural law. As Roscoe Pound and others have pointed out, natural law has functioned in the past and does now function as the cornerstone of positive law, whether it is acknowledged to do so or not. For even sociological jurisprudence—indeed, perhaps *especially* sociological jurisprudence—has presupposed some meaningful order of human existence upon which law is to be erected.

At this point there are two kinds of questions which present themselves. On the one hand there is the question of the status of what might be called 'human justice': the norms and principles upon which we base our legal system. For example, the principle that child labour is wrong, that segregation on the basis of race or religion is evil, that everyone has a right to speak his mind freely, that all men have an equal right to gainful employment, etc. This question has been dealt with admirably in a book too little read (particularly by Protestants) entitled *Justice and the Social Order* by Emil Brunner.

On the other hand there is the question of the Law of Love itself and its relation to natural law. Now inasmuch as my concern is with Christian ethics and natural law, and inasmuch as I take the Law of Love to be the essence of Christian morality, it is this second question to which I want to address myself. The issue is this: *Can the law of love itself lay claim to natural law status?* There are several reasons why I think this issue of some moment. (1) If the question could be answered in the affirmative, it would serve to bring Protestant and Catholic moral theology a step closer together, and this would be a good thing. (2) If it could be answered in the affirmative, it would mean that some, at least, of the diffidence on the part of secular moral philosophers toward Christian ethics (that is, toward the *theoretical formulation* of Christian ethics: I do not concern myself with those attitudes having to do with the *content* of Christian morality) might be dissipated. (3) If

it could be answered in the affirmative, the answer might constitute the basis upon which a fairly radical reconstruction of the entire concept of natural law—including the question (mentioned in the preceding paragraph) of human justice—could proceed.

I do not, of course, presume to show that in fact the answer I give will do these three things, but at this point intend only to display the rudiments of such an answer.

#### NATURAL LAW DEFINED

Some reasonable definition of natural law must first be adopted. I will have to ask the reader simply to accept this definition for the time being. I believe that in fact it can be substantiated by reference to the history of the theory, but that is a very large task which I cannot undertake here. The definition I propose is as follows:

A natural law theory holds that the fundamental principles of morality and legality, and hence of society, are rooted in the nature of the universe, and more specifically, in the nature of man himself, that they are 'rational', and that they are universal and eternal.

Strictly speaking, the last clause, 'universal and eternal', is deducible from 'rooted in the nature of the universe', and hence would not need to be included as part of the definition. I do so, however, to hold before our eyes this very important feature of natural law philosophy: that the norms of the natural law are independent of spatial and temporal location.

I put the word 'rational' in quotation marks to call attention to the fact that an unduly severe interpretation must not be put on the word. In particular, I do not believe that it is justifiable to insist that the natural law theory be specifically a rationalist theory. This was the error Hume made in his 'refutation' of the theory. For consider: is it the intent of the natural law theory to argue a special theory of knowledge? Hardly. Both historically and from the internal nature of specific natural law theories it can be shown that the intent of the theorist was to declare the emancipation of morality and law from authority, whether political or ecclesiastical, and from revelation. Or, more precisely, it was the intent to free morality and law from any kind of revelation, whether from God or from a secular authority. On the other side, it was the intent of natural law theories to raise morality and law above the level of mere preference or expediency, to place it in the region of justifiable, reasonable, 'rational' action. Indeed, 'reasonable' is probably a better word here than 'rational', precisely because it conveys the notion of giving reasons, offering justification for one's actions, rather than connoting a special theory of knowledge. But understood properly, 'rational' will do the job.

## THE PROBLEM

If one takes the law of love ('Thou shalt love . . .') as definitive of the viewpoint of Christian ethics, and if one recognises—as indeed he must—that the law of love is revealed to us by the words of Jesus Christ in the Gospels as being the will of God, how can it be squared with natural law philosophy? That is, if we agree that the law of love is revealed, we seem to have denied the most essential elements of a natural law theory, viz, that its norms be based on nature, and that they be rational.

## REVELATION AND THE LAW OF LOVE

First one must consider what is meant by 'revelation'. The tendency, primarily but not exclusively among non-Christians, is to regard revelation as a bit of superstition, involving something of the occult, and certainly not to be allowed on epistemological grounds. Recent theological thought, however, has emphasised the fact that revelation is nothing other than disclosure (cf. Mollegen, *Christianity and Modern Man*, for example). Thus a word, a gesture, a facial expression discloses or reveals another person to us. In such a sign we sometimes say we 'see' behind the façade erected by that person. Similarly in the responses and reaction of other persons toward ourselves we sometimes see ourselves revealed or disclosed to ourselves: we understand something about ourselves that we were unaware of previously. In poetry, in drama, and in the novel we often are led to look at, to see, the world and ourselves in it in ways which before we had not, and in this we sometimes say that 'a real revelation' has taken place, a disclosure of truth by way of the eyes and ears and mind of the writer.

Now the command 'Thou shalt love . . .' is a very unique utterance. In the first place, it is a command which we cannot possibly carry out. I cannot possibly turn my entire heart, soul, mind, and strength toward God without in the process denying the rest of the world around me, and indeed, denying myself, and hence perishing. It is for this reason that Niebuhr (*Interpretation of Christian Ethics*) calls the love commandment the 'impossible possibility'. Secondly, the command is wholly paradoxical: love, especially considered as an affair of the heart and the soul, cannot be commanded.

These two peculiarities suggest that Jesus was simply being unreasonable in his moral demands. Indeed, from this suggestion arise two alternative explanations of the Christian ethic: (a) that God wants only that we do the best we can, that we follow and emulate Jesus' moral career to the best of our ability, making due allowance for the conditions of the time in which we live; (b) that we renounce the world and the flesh. The former interpretation is liberalism; the latter, asceticism.

But neither of these interpretations is necessary, because there is yet another way of accounting for the 'peculiarities' of the love commandment. Note first that these peculiarities are logical: the first involving our assessment of what is and is not possible—if you like, an oddity involving our *inductive* reasoning. The second is a formal oddity, a paradox, which is a scandal of the *deductive* reason. But what is involved in our apprehension of the oddities in general are the canons of our own rational processes. In other words, we are demanding that the Gospels conform themselves to our own human reason. Might it not be, however, that among other things, it is precisely the function of the Gospels to call into question that human reason which we so confidently use in criticising the logic of the ethic of the Gospels?

This can be seen even more clearly if we consider the Kantian dictum 'ought implies can' in its relation to the ethic of the Gospels. If Niebuhr is correct in his interpretation of Christian ethics, and the love ethic is an impossible possibility, then the Gospels tell us that we ought to do something which we quite literally cannot do. And yet we *really* ought to do it: it is not a matter of this being a nice thing if only we could. We are placed under an obligation of the strictest kind to love. . . . And at the same time we *really* cannot carry out the commandment: it is not just that we have not tried hard enough. It is difficult to see how we can avoid either despair or sentimentalism.

But of course, the reason it is difficult to see is that our 'seeing' is wholly conditioned by the self-evident Kantian maxim that if we say we *ought* to do *X* we have necessarily presupposed that we *can* do *X*. That it is contradictory to say that one *ought* to do *X* if he *cannot*. But it is not contradictory. And if it is not, then whence the self-evidence? Philosophy has long mistrusted the self-evident. And in the Gospel ethic, on Niebuhr's interpretation, it is precisely this self-evident maxim that is in question. Hence we cannot apply the Kantian maxim in an evaluation of the love ethic.

#### PARADOX AND REVELATION

How then are we to understand the Christian ethic? How can we account for the paradoxicality of the love commandment in such a way as to avoid both liberalism and asceticism? Paradox in a logical structure is intolerable. But religion is not a logical structure. And in the context of religious language, paradox should be carefully attended to as symptomatic of a most important matter, namely, the intersection of two dimensions, the divine and the human. For in religious language, what is at issue is the relationship between the divine and the human. But when the language of religion attempts to express this relationship, this intersection, it can do so only by calling attention to the fact that 'my thoughts are not your thoughts, neither are

your ways my ways', (Isaiah 55). It is the function of paradox to call attention to this.

Thus if we understand the love commandment as typically religious language, as an attempt to express the intersection of the divine and the human, we will be called upon to listen carefully to the paradox of its impossible possibility. For in this paradox, the divine speaks to the human. Put another way, in this love commandment we see our distinctively human situation, with its rational, human ethic, set in a larger and wider context. And this is what revelation means: something about ourselves and our human condition is disclosed to us. As revelation, the 'peculiarities' of the love ethic are understood not as logical oddities to be cleared up by some rearranging of the language, but as essential to the nature of revelation itself. In the love commandment, as Niebuhr has put it, the essential side of our nature speaks to the existential. And when a crossing of the boundary takes place, when the intersection of the essential and existential is expressed, paradox is inevitable.

#### ONTOLOGY AND THE LAW OF LOVE

But the analysis has not yet been pushed far enough. For if we stop with the love commandment itself, we shall not have seen its full significance. Lying behind 'Thou shalt love . . .' is the Johanne formula 'God is love'. What is meant by 'love' in this context, of course, is to be determined by reading the Gospels. But the important thing for our purposes is the fact that the love commandment is not unsupported but is rather grounded in an ontology, one formula of which is 'God is love'.<sup>1</sup>

Now at this point, Christian ethics might move in one of two directions. On the one hand, attention might be focused on the love commandment itself. It might be emphasised that this is God's commandment and that the reason we are to obey it is that God commanded it. And to ask why we are to obey God's command is to display the fact that one does not understand the word 'God'. Christian ethics then would become a theological noncognitivism of the imperativist variety. 'X is good, or right' means 'Do X' where the latter is uttered by God. There is no appeal possible to reasons (for 'Who knows the mind of the Lord?'—Romans 11: 34). And especially one is not to look to rewards and punishments as the *justification* for obeying the commandment, although, of course, one may be *motivated* to obey by virtue of the rewards and punishments expected.

If one thinks of St Thomas' four kinds of law—eternal, divine, natural, and positive—the first direction suggested above incorporates all ethics

<sup>1</sup> R. B. Braithwaite's treatment (in *An Empiricist's View of the Nature of Religious Belief*) of the Christian point of view, according to which God is love is taken to indicate an intention on the part of the believer to behave agapeistically, turns the ontology into a mere indication of intent and thereby emasculates the Christian ethic as well as the whole Christian point of view.



into the divine law (or what later writers called the divine positive law): that portion of the eternal law, the overarching plan of creation, which God has chosen to reveal to men. And I began this essay with the observation that this has been the tack of Protestant moral theologians, on the whole. But there is another direction to be explored which may re-open the possibility of St Thomas' third category, that is, natural law.

#### ONTOLOGY AND NATURAL LAW

Lying behind the love commandment, as has been observed, is the Johanine formula 'God is love'. Bishop Robinson (in *Honest to God*) has pointed out to us the fact that this formula is not equivalent to 'Love is God'. The latter praises love; the former is an ontological statement. That is, it is a statement about Being, about Reality. In fact, following Tillich, it is a statement about the Ground of our being, that is, about being-itself. Now this is encouraging, for if one takes 'God is love' to be the basis upon which the Gospels assert the love commandment, then we have shown that the fundamental moral norm is indeed based upon or rooted in the very nature of things, and *ipso facto*, in human nature. Hence we have moved one step nearer the natural law theory.

Further, if this is so, then this basic moral norm is universal, in that it applies to all men everywhere. The New Testament tells us that Christ came into the world, not to save the righteous, not to save the Jews, certainly not to save 'Christians', but—to save sinners. The news that God is love, and the obligation to love God and our neighbour is not peculiar to Christians (although those who have heard the Good News proclaimed have special duties, including that of proclaiming the News to those who have not heard it). But rather, since God is being-itself, and since therefore being-itself is love, the obligation to love God and neighbour is universal.

Moreover, as follows similarly, the basic moral norm of the Christian ethic is eternal and immutable. For being-itself is what it is ('I am what I am') irrespective of time. Indeed, since being-itself cannot be *a* being, it cannot be *in* time and space (that is, cannot stand in spatio-temporal relationships), and consequently cannot be subject to modifications as a result of spatio-temporal differences.

Thus far, then, the fundamental moral norm of the Christian ethic has been shown to be rooted in the nature of things, and to be universal and eternal. The remaining question—and this will be the hard one—is that of its rationality. For we discover that God is love, not by performing some experiments, nor by deducing something from something, but by reading St John. This is not to deny that one might be led to the supposition that love was pretty important in human affairs by an examination of how people get along who do love, as compared with those who don't. But it

would not assure us that love was the very nature of Reality itself, that is, being-itself. This information is obtained only by revelation. But if that is so, how can one maintain that the love ethic is natural law?

I think that the solution to this problem lies in a distinction between how we get to the knowledge of a proposition and what the proposition does for us once we have got to the knowledge of it. Classical natural law theory has focused almost exclusively on the former, whereas the latter is perhaps more important. There is a sense in which we have all been misled by formulas for scientific investigation, formulas which have been enshrined in the very way our science and mathematics text books are written. For such books are always very orderly, beginning with simple and clearly understood truths, proceeding by demonstration to more complicated and obscure matters, until the whole subject matter is laid before us in irrefutable argumentation. Physics and chemistry workbooks are most instructive here: first the student does  $X$ , then he does  $Y$ , and then he gets answer  $Z$ .

Elegant and heuristically valuable as all this may be, it completely falsifies the scientific thought process, as anyone who has had the slightest acquaintance with science outside the classroom knows perfectly well. How in fact *does* the mathematician (for example) proceed? He begins with a problem, a muddle; he gropes about for a way out; he asks for suggestions; he consults books and articles dealing with the area; he thinks about it while he shaves in the morning. He twists and turns this way and that, grasping at the wispiest of straws, following out the most tenuous hunches. But then, if he keeps at it long enough, and is sufficiently perceptive (and lucky), there comes the time when the light dawns, 'the penny drops' (I. T. Ramsey, *Religious Language*), the loose ends pull together, the pieces fall into place, and he 'sees' the resolution of the problem. Not, to be sure, all at once, and all neatly laid out; but he knows when he has the key. Then comes the long, difficult, and often tedious and boring task of laying out his new-found knowledge in a book or paper. But of course, he has learned his lesson well, and so he begins his exposition with simple and clearly understood truths, proceeds by demonstration to more complicated and obscure matters, until at last the whole matter is laid out in irrefutable argumentation.

Now the point is, where do we find the 'rationality' of the process? In the muddling through? In the 'seeing' of the key? Or in the laying out of the syllogisms? Well, surely not in the syllogising, for in that our mathematician has, in turn, falsified everything he has done in coming to the knowledge in the first place. But it is this falsification upon which logic and philosophy of science has fastened as the model for the knowing process. The muddling through has been suppressed as a mere 'psychological' process. What I am contending for is that the syllogising is indeed important as constituting the *evidence* that knowledge has been attained; that the



muddling through is indeed important as the *way* we get there; but that knowledge is attained when we see, when the light dawns, the penny drops, when the pieces fall in place. That is the 'moment of truth'.

Now to apply this to 'God is love'. This information is, to be sure, revealed to us. Does this mean that the information is in some sense non-rational? Only if we fasten exclusively upon the way in which the information is attained. To the exclusion, that is, of what the formula itself *does*. The question might be put as follows. Are we warranted, in each case, in laying down, specifying in advance, the criteria for knowledge in terms of the techniques employed to gain that knowledge, which criteria will be such as to make it possible to admit or rule out any given proposition or set of propositions solely on the basis of the *way* in which they are known? Or, on the other hand, are there some propositions or some sets of propositions whose status as expressing knowledge is independent of the way in which they are arrived at, and indeed may even be of such a nature that one must first affirm them to see whether or not they pass muster as knowledge?

The former alternative is exemplified by the verification theory of meaning associated with logical positivism. I am prepared to maintain that that theory and any like it are false: false, that is, to what in some unclear sense we all know to be the case and which the example of the mathematician (above) is intended to suggest. I assert, on the other hand, that there are kinds of discourse which are cognitive, 'rational', if you will, which are not arrived at by any recognisable inductive or deductive techniques, and which are not verifiable by any of the usual processes (such as apply to scientific statements or statements of logic or mathematics). I assert, moreover, that 'God is love', is such a proposition.

Actually, 'God is love' does not occur alone, and, indeed, the kinds of propositions I am concerned with here ~~never occur~~ in isolation. The model of the kind of language I have in mind is myth: bodies of propositions which set a context or framework within which to 'see' oneself and the empirical world one lives in. The argument is a long one, and one which has received a good bit of attention in recent years, revolving as it does around the question of the cognitivity of religious language, but I think it can be shown that myth is cognitive, though not descriptive. Its function is to enable us to grasp, to understand, ourselves and our world from a standpoint within that world. This is distinguished from descriptive discourse which always places the locus of concern outside the process being described. The test of myth is, of course, its success or failure in fulfilling its function: does it enable us to 'make sense of' ourselves and the world? does the light dawn, the penny drop? do the pieces fall into place?

Now the significant thing here is that one does not take the propositions in question and subject them to tests which are independent of one's attitudes toward those propositions. In the case of myth, since such discourse is

nondescriptive, all attempts to confirm 'externally' will be negative. It is rather the case that one has somehow to be got 'inside' the myth before it can become possible to 'see' its truth, that is, to be impressed with its power to make sense of things. It is undoubtedly this fact about myth that enables Tillich to speak of a person having been 'grasped' by the power of being-itself (*Dynamics of Faith*). *I* do not make sense of things, *I* do not verify, *I* do not grasp—rather the myth makes sense of things *for* me, the myth is verified *in my experience*, it grasps *me* in its ability to let being-itself shine through it.

If then the ontology standing behind the Christian ethic is of this character, if it does in fact make sense of things, then it is cognitive, 'rational', if you will, and indeed, even true. But if all this is the case, then we have completed at least an outline of the task set: for it has been shown that the basic norm of the Christian ethic is rational, and this was the only criterion left to be satisfied in order to show that the Christian ethic is in fact a natural law theory, that the law of love is natural law.

#### SOME ADDENDA

We must not at this point be led astray by the legalism which underlies many of the criticisms of natural law theory. In the seventeenth and eighteenth centuries, natural law jurists (Blackstone, for example) attempted to derive a complete legal system from the basic principles of natural law. The failure of this attempt convinced critics that there was nothing to the natural law theory. The error on both sides was that natural law was understood as a legal theory in the first place, where in reality it is a moral theory.

St Thomas was much clearer on this point. The fundamental principle of the natural law is to do good, eschew evil. All particular norms are *based on* this. But St Thomas does not commit the error of attempting to *deduce* particular norms from this most general norm. Rather it is that particulars must be subsumable under the general. Now similarly in the case of 'Thou shalt love . . .' it is an error to attempt to deduce all the principles of Christian morality from this general norm. Nor does the Gospel anywhere attempt this. What instead we are confronted with in the Gospels is a situational treatment of ethical issues: we see Jesus in a number of particular situations doing a number of particular things (healing, casting out demons, raising the dead, excoriating hypocrites, eating with various kinds of people), and these particular things must be seen in the light of the love commandment. We learn thereby that the particular things *we* do from time to time which have moral significance must also be done in the light of the love commandment. But it is not the case that we can begin only with the 'Thou shalt love . . .' and then calculate or deduce.

Second, it might be objected that if the above account were true, there would be nothing left for revelation uniquely to contribute, that the whole of St Thomas' category of divine law would have been collapsed into natural law. This is not so. In the first place, the content of the law of love must be filled out by the Gospel; otherwise we run the danger of sentimentalism, of identifying our *feelings* with what the Gospels call love (*agape*). And in the second place, even to the extent that we have found it possible to describe the law of love as natural law, this has been so because of a 'raising up' of natural law (and indeed, of human reason itself) to a level appropriate to the ontology of the Gospels, rather than a collapsing of Christian ethics into a schematism appropriate to the ordinary use of the reason, as exemplified, say, in the verification theory of logical positivism.

Third, it may be well to observe once again that the kind of natural law theory here being supported is not the same as that found in, say, Locke or Grotius. In particular, the difference lies in the concept of reason, or reasonable, or rational here employed. Yet the similarities in intent of the two kinds of theories are such as to make it appropriate to use the term 'natural law' in this context. If this seems unusual or stretches the term too greatly, then, of course, another term must be found. The important thing is not the term but what the term stands for.

Finally, it might be pointed out that the analysis offered above solves one of the recurrent and troublesome questions of moral philosophy: viz, the logical gap between is and ought, pointed out so clearly by Hume in *An Enquiry concerning the Principle of Morals*. To back up one step, it should be observed that this is a general characteristic of myth. For myth is cognitive: its function is to bring us to a state of mind in which it is appropriate to say that we know or are acquainted with something, although the point of view of the knower so far as myth is concerned is that of a participant in that which is known rather than that of a spectator. Thus the knowing involved in myth is rather, or at least in part, a knowing *how*, rather than a mere knowing *that*. Taking a perspective or a point of view, seeing the process from within, means responding to people, places, things, and events, and hence involves a certain pragmatic or practical (in the root senses of those terms) dimension. In myth, therefore, the is and the ought cannot be separated. But note that this is not the same as saying that the descriptive and the prescriptive cannot be separated, for myth, though cognitive, is not descriptive. Hence what is involved in the 'is' here is not description but something that might be called 'seeing-from-the-inside'.