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## THOMISTIC NATURAL LAW AS DARWINIAN NATURAL RIGHT\*

BY LARRY ARNHART

### I. INTRODUCTION

The publication in 1975 of Edward O. Wilson's *Sociobiology* provoked a great controversy, for in that work Wilson claimed that ethics was rooted in human biology. On the first page of the book, he asserted that our deepest intuitions of right and wrong are guided by the emotional control centers of the brain, which evolved via natural selection to help the human animal exploit opportunities and avoid threats in the natural environment.<sup>1</sup> In 1998, the publication of Wilson's *Consilience* renewed the controversy, as he continued to argue for explaining ethics through the biology of the moral sentiments.<sup>2</sup>

Many of Wilson's critics have warned that his reductionistic explanation of human ethics as a mere expression of animal impulses promotes a degrading view of human life. Some of his religious critics have explained the emergence of Wilsonian views of ethics as an inevitable consequence of a scientific naturalism that denies God's moral law as the supernatural ground for our sense of right and wrong. Despite the plausibility of such criticisms, I think Wilson's position is much stronger than it might seem at first glance. The full strength of Wilson's Darwinian ethics becomes clear only when it is seen as an expression of what I have called "Darwinian natural right."<sup>3</sup>

A Darwinian view of human nature can support the natural law reasoning of Thomas Aquinas (1225–1274). The biological character of the natural moral law is suggested by a famous statement by Ulpian (d. 228 A.D.), an ancient Roman jurist: "Natural right is that which nature has taught all animals."<sup>4</sup> (Here the term "natural right" [*ius naturale*] is interchangeable with "natural law" [*lex naturalis*].) To illustrate the natural

\* I am grateful to the Earhart Foundation for a research grant that supported the writing of this essay.

<sup>1</sup> Edward O. Wilson, *Sociobiology: The New Synthesis* (Cambridge, MA: Harvard University Press, 1975), 3, 129, 563.

<sup>2</sup> Edward O. Wilson, *Consilience: The Unity of Knowledge* (New York: Alfred A. Knopf, 1998).

<sup>3</sup> Larry Arnhart, *Darwinian Natural Right: The Biological Ethics of Human Nature* (Albany: State University of New York Press, 1998).

<sup>4</sup> "Ius naturale est, quod natura omnia animalia docuit." Justinian, *Justinian's Institutes*, ed. and trans. Peter Birks and Grant McLeod (Ithaca, NY: Cornell University Press, 1987), 1.2.

inclinations that human beings share with other animals, Ulpian referred to the sexual union of male and female and the parental care of offspring as animal propensities that sustain human marriage and family life in conformance to natural law. Quoted at the beginning of Justinian's *Institutes* (533 A.D.), Ulpian's remarks entered the medieval tradition of natural law reasoning, and they were cited by Aquinas when he explained natural law as rooted in "natural inclinations" or "natural instincts" that human beings share with other intelligent animals.<sup>5</sup>

Adam Smith (1723–1790) continued this tradition of thought by explaining morality as expressing the moral sentiments of human nature. Influenced by Smith's moral theory, Charles Darwin (1809–1882) explained the moral sentiments as manifesting a moral sense rooted in the biological nature of human beings as social animals. The sociologist Edward Westermarck (1862–1939), who was influenced by both Smith and Darwin, defended a view of morality as founded in moral emotions shaped by natural selection throughout evolutionary history. Wilson recognizes that his biological theory of the moral sentiments belongs to a tradition of ethical naturalism that includes Smith, Darwin, and Westermarck. However, he does not recognize the roots of that tradition in the natural law reasoning of Aquinas.

In this essay, I will develop the common ground that exists between Aquinas, Smith, Darwin, Westermarck, and Wilson. In doing this, I will indicate how biological reasoning about human nature can strengthen the case for natural law by giving it the support of Darwinian science. As suggested by Ulpian's statement, I will use sexual mating, parental care, and familial bonding as examples of the biological basis of natural law.

I will use the term *natural law* to refer to the following cluster of ideas: (1) animals have innate propensities, (2) the normal development of each kind of animal requires the fulfillment of these propensities, (3) animals with conscious awareness desire the satisfaction of these propensities, and (4) human beings use their unique capacity for rational deliberation to formulate ethical standards as plans of life for the harmonious satisfaction of their natural desires over a complete life. I will argue that Darwinian biology supports this natural law understanding of ethics by showing how such inborn desires and cognitive capacities arise as products of human biological nature.

## II. THOMAS AQUINAS

Aquinas's best statement on natural law is in the section on law in his *Summa Theologiae*. Within that section, one of the crucial passages is his

<sup>5</sup> For the history of Ulpian's remarks in medieval thought, see Michael Bertram Crowe, *The Changing Profile of the Natural Law* (The Hague, The Netherlands: Nijhoff, 1977), 43–51, 142–55. Crowe finds Aquinas's use of Ulpian's definition of natural right puzzling, because Crowe wants to interpret natural law in a Kantian way, as a set of purely rational principles set apart from animal nature.

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explanation of how the primary precepts of natural law conform to the three levels of natural inclinations. The importance of the passage justifies quoting it at length.<sup>6</sup>

Since good has the idea of an end, and evil the idea of a contrary, hence it is that all those things to which a human being has a natural inclination, reason naturally apprehends as good, and consequently as objects to be pursued, and the contraries of these as evil and to be avoided. Therefore, the order of the precepts of the natural law is according to the order of the natural inclinations. For there is first in a human being an inclination to good according to the nature which he shares with all substances: insofar as every substance seeks the preservation of itself according to its own nature. And according to this inclination, those things through which human life is preserved and threats to life avoided belong to the natural law. Secondly, there is in a human being an inclination to some things more special to him according to the nature that he shares with other animals. And according to this inclination, it is said that those things are of natural law "that nature has taught all animals," such as the joining of male and female, the education of children, and similar things. In a third mode, there is in a human being an inclination to good according to the nature of reason, which is proper to him: thus a human being has a natural inclination to that which knows the truth about God, and to that which lives in society. And according to this inclination, those things that pertain to this kind of inclination belong to natural law: for example, that a human being avoid ignorance, and that he not offend those others with whom he must live, and other such things that pertain to this inclination.<sup>7</sup>

This passage sketches the three levels of human natural inclinations that must be satisfied for the fullest flourishing of human life. In the passage, Aquinas assumes a series of principles that he takes from Aristotle. Aquinas says, for instance, that "the good is the desirable." Although the diverse goods of life are desirable in different ways, there is "one ultimate end" corresponding to the "unity of human nature." Furthermore, "the ultimate end is the ultimate term of desire's natural inclination."<sup>8</sup>

Comparing this passage with Aquinas's other references to natural inclinations, it becomes clear that he is using Aristotle's biological psy-

<sup>6</sup> In my translations of Aquinas's Latin, I have tried to be as literal as possible.

<sup>7</sup> Thomas Aquinas, *Summa Theologiae*, I-II, q. 94, a. 2.

<sup>8</sup> Thomas Aquinas, *Commentary on Aristotle's "Nicomachean Ethics,"* secs. 9, 21, 94, 106-7.

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chology to distinguish the three kinds of inclination.<sup>9</sup> First, there are the natural tendencies of the body that work automatically, with little or no cognitive awareness. Second, there are the natural tendencies of sensory desires that require the cognitive awareness that human beings share with other animals. Finally, there are the natural tendencies of intellectual desires that require the conceptual cognition that is uniquely human. Thus, for example, at the first level, the human body naturally tends to preserve its healthy functioning in ways that do not depend on conscious awareness. At the second level, human beings share with some other animals the sensory desires for conjugal bonding and parental care of offspring; these desires require the cognitive ability for perceptual judgment that is found only in intelligent animals. Aquinas quotes Ulpian's remarks as applying to this second level of natural law, which human beings share with other animals.<sup>10</sup> At the third level, human beings have intellectual desires for goods such as knowledge and social interaction, which require the cognitive ability for conceptual judgment that is uniquely human. Aquinas does recognize that there is a natural diversity in the desires of human beings that distinguishes one individual from another. For example, although there is a natural tendency to sexual union among most human beings, a few individuals will have a natural temperament that inclines them to celibacy. Consequently, Aquinas sometimes distinguishes the natural human desires as either "generic" (shared with other animals), "specific" (shared with other human beings as rational animals), or "temperamental" (the individually unique traits of a human being).<sup>11</sup> He draws this trichotomy of the human desires from Aristotle's theory of biological inheritance.<sup>12</sup>

Aquinas observes that unlike plants and inanimate entities, human beings and other intelligent animals display reason and desire in their movements.<sup>13</sup> Intelligent animals consciously apprehend the objects of their desires, gather and assess information in their environment relevant to their desires, and then act according to their judgment of how best to satisfy their desires. In doing this, they learn to apprehend physical things and other animals as pleasurable or painful, useful or harmful, friendly or hostile. They act voluntarily in that they initiate acts as guided by some knowledge of their goals. They remember the past and anticipate the future. As social animals, they judge the intentions of other animals and communicate with them to act for common ends. They display and

<sup>9</sup> Aquinas, *Summa Theologiae*, I, q. 59, a. 1; I, q. 80, a. 1; I-II, q. 1, a. 2; I-II, q. 6, a. 1-4; I-II, q. 26, a. 1; I-II, q. 35, a. 1; I-II, q. 41, a. 3.

<sup>10</sup> *Ibid.*, I-II, q. 94, a. 2; I-II, q. 95, a. 4, ad 1; II-II, q. 57, a. 3; Aquinas, *Commentary on Aristotle's "Nicomachean Ethics,"* sec. 1019.

<sup>11</sup> Aquinas, *Summa Theologiae*, I-II, q. 46, a. 5; I-II, q. 51, a. 1; I-II, q. 63, a. 1.

<sup>12</sup> Aristotle, *Generation of Animals*, 767b24-769b31.

<sup>13</sup> Aquinas, *Summa Theologiae*, I, q. 78, a. 4; I, q. 80, a. 1; I, q. 83, a. 1; I-II, q. 6, a. 2; I-II, q. 40, a. 3; I-II, q. 58, a. 1; Aquinas, *Commentary on Aristotle's "De Anima,"* secs. 629, 874.

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recognize social emotions such as love, hate, and anger; learn from experience; and transmit what they learn to others. Insofar as Aquinas thus recognizes the continuity between human beings and other intelligent animals, he takes a position that is at least compatible with the Darwinian idea that the human species evolved from ancestral species of nonhuman animals.<sup>14</sup>

The biological character of Aquinas's reasoning about natural law as rooted in natural desires is clear in his account of marriage and familial bonding. Citing Ulpian, Aquinas declares that marriage is natural because it satisfies natural desires that human beings share with some animals.<sup>15</sup> He speaks of the human disposition to marriage as a "natural instinct of the human species."<sup>16</sup> On his account, the primary natural end of marriage is to secure the parental care of children; the secondary natural end is to secure the conjugal bonding of male and female for a sexual division of labor in the household. Among some animals, Aquinas observes, the female can care properly for her offspring on her own, and thus there is no natural need for any enduring bond between male and female. For those animals whose offspring do require care from both parents, however, nature implants an inclination for male and female to stay together in order to provide the necessary parental care.<sup>17</sup> Just as is the case for those animals whose offspring could not survive or develop normally without parental care, human offspring depend upon parents for their existence, nourishment, and education. To secure this natural end, then, nature instills in human beings natural desires for sexual coupling and parental care. Even if they do not have children, however, men and women naturally desire marital union because, not being self-sufficient, they seek the conjugal friendship of husband and wife sharing in household life.

Marriage as constituted by customary or legal rules, Aquinas says, is uniquely human, because such rules require a cognitive capacity for conceptual reasoning that no other animals have. Even so, rules of marriage provide formal structure to natural desires that are ultimately rooted in the animal nature of human beings. This is not to say that human nature will lead all human beings to desire marriage: it is beneficial for human communities to have a few people who do not marry, but instead pursue

<sup>14</sup> For a good survey of the evidence in Aquinas's writings that supports this conclusion, see Judith Barad, *Aquinas on the Nature and Treatment of Animals* (San Francisco: International Scholars Publications, 1995). For the argument that Aquinas's view of human nature and natural law is rooted in a "biological paradigm," see Anthony J. Lisska, *Aquinas's Theory of Natural Law: An Analytic Reconstruction* (Oxford: Clarendon Press, 1996), 68, 96–109, 131, 189–91, 198–201, 218–22, 258.

<sup>15</sup> Aquinas, *Summa Theologiae*, II-II, q. 57, a. 3; Suppl., q. 41, a. 1; Aquinas, *Commentary on Aristotle's "Nicomachean Ethics,"* sec. 1019.

<sup>16</sup> Aquinas, *Summa Contra Gentiles*, bk. 3, chap. 123.

<sup>17</sup> *Ibid.*, bk. 3, chaps. 122–23.

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contemplative lives for which marriage would be an impediment. A few people will be inclined by their natural temperament to lead such a life.<sup>18</sup>

Aquinas judges every form of sexual mating as natural or unnatural depending on how well it satisfies the two aforementioned natural ends of marriage—parental care and conjugal bonding. Completely promiscuous mating is contrary to nature insofar as it would hinder both parental care and conjugal bonding. Monogamous mating (one husband with one wife) is fully natural because it satisfies both natural ends. Polygynous mating (one husband with multiple wives) is partly natural but partly unnatural.<sup>19</sup> It is natural insofar as it is possible for a polygynous marriage to secure both parental care and conjugal bonding. However, it is partly unnatural: polygyny often impedes conjugal bonding because the jealousy of the co-wives tends to promote conflict in the household. Polyandrous mating (one wife with multiple husbands) is completely unnatural, because the jealousy of the co-husbands would impede both parental care and conjugal bonding. The reason that polygyny and polyandry are “asymmetrical” in terms of fulfilling the natural ends of marriage is that between men and women, it is much more difficult for men to know which children are theirs. Consequently, the uncertainty of paternity in a polyandrous marriage would weaken the inclination of the husbands to care for the wife’s children. (Fraternal polyandry—brothers sharing a wife—can mitigate but not eliminate this problem.) In competing for mates, the sexual jealousy of men is typically much more intense than the sexual jealousy of women. As a result of these natural differences between men and women, it is easier for women to share a husband than for men to share a wife.

Aquinas also uses his criteria of mating to assess incest. Because it impedes the natural ends secured by marriage, Aquinas believes that incestuous mating is contrary to natural law. Although it is possible for a father to impregnate his daughter or for a son to impregnate his mother, the sexual bonding that is fitting for husband and wife would contradict the asexual bonding that is fitting for parent and child. Furthermore, from experience we see that children of incestuous matings “cannot thrive.”<sup>20</sup>

In developing this reasoning about the natural law of marriage, Aquinas appeals repeatedly to Aristotle’s biological studies of animal mating. Following Aristotle, Aquinas observes that complete promiscuity is natural only for animals whose offspring do not require the long-term care of both parents. Many animals practice polygyny. Monogamy is common among some animals, such as birds, for whom monogamy secures the

<sup>18</sup> Aquinas, *Summa Theologiae*, Suppl., q. 41, a. 2; Aquinas, *Summa Contra Gentiles*, bk. 3, chap. 123.

<sup>19</sup> Aquinas, *Summa Theologiae*, Suppl., q. 65, a. 1; Aquinas, *Summa Contra Gentiles*, bk. 3, chap. 124.

<sup>20</sup> Aquinas, *Summa Theologiae*, Suppl., q. 54, a. 3; Aquinas, *Summa Contra Gentiles*, bk. 3, chap. 125.

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good of offspring that could not survive and develop without intensive care by both parents over long periods of time. Although incest occurs among some animals, other animals, including human beings, show a natural avoidance of it. In comparison with other animals, human beings are strongly monogamous but mildly polygynous. To conform to the natural law of marriage, human laws must satisfy these natural instincts of human biological nature. In regulating marriage, Aquinas explains, “positive laws should proceed from the instinct of nature, if they are human; just as in the demonstrative sciences, also, every human discovery takes its origin from naturally known principles.”<sup>21</sup>

Influenced by Aristotle’s biology, Aquinas recognizes that every animal species is unique, and that the human species’ uniqueness lies in its capacity for conceptual reasoning as mediated by language. This allows human beings to rationally deliberate about the best way to satisfy their natural desires for mating and parenting and then to formulate their conclusions about the proper customary or legal norms for marriage and familial bonding. Like other intelligent animals, human beings are moved by sensory desires to act for reasons, and this requires some cognitive ability to judge opportunities and threats in one’s environment. Yet human beings are also unique among animals in being moved by intellectual desires to compare alternative reasons for action in the light of past experience and future expectations; this allows humans to formulate and execute deliberate conceptions of a whole life well-lived.<sup>22</sup>

In employing such biological reasoning, Aquinas was influenced by the work of Albert the Great, his teacher at the University of Paris, who wrote a massive survey of the whole field of zoology, beginning with Aristotle’s corpus. Albert’s work in biological science was part of his larger project to vindicate the scientific study of natural causal laws through reason, observation, and experimentation; the end result of this work was to establish science as a source of knowledge independent from theology.<sup>23</sup> (It was fitting, therefore, that in 1941, Pope Pius XII proclaimed Albert the patron saint of natural scientists.) Relying on a critical reading of Aristotle’s biology, Albert stressed the uniqueness of human beings as the only animals endowed with the powers of intellect and speech. Yet he also observed that other animals, though they lack human levels of reasoning and communicative prowess, are not all equally lacking; various creatures exhibit subtly different levels of sophistication in these areas. We see that “the animals other than the human are not entirely without the power of thought,” which shows that nature “progresses gradually through

<sup>21</sup> Aquinas, *Summa Contra Gentiles*, bk. 3, chap. 123.

<sup>22</sup> Aquinas, *Commentary on Aristotle’s “De Anima,”* secs. 395–98, 631–35, 643–50, 803–4, 812–46.

<sup>23</sup> See James A. Weisheipl, ed., *Albertus Magnus and the Sciences* (Toronto, Canada: Pontifical Institute of Mediaeval Studies, 1980).

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many intermediates."<sup>24</sup> Some nonhuman animals, Albert observed, do have "experiential knowledge" that manifests "a sort of prudence" and a "capacity for instruction," which thus shows that these animals have at least "a shadow of reason."<sup>25</sup> Many animals have some "estimative power" by which, while deciding how they should act to satisfy their desires, they judge the intentions of other animals.<sup>26</sup> The most intelligent of the non-human animals are simians—monkeys and apes—and pygmies, which belong to a species that is intermediate between simians and humans. The simians and pygmies, Albert says, show "a human likeness beyond all [other] animals," and "seem to have something like reason."<sup>27</sup>

Albert also observed that as political animals, human beings are like other social animals such as ants, bees, wasps, and cranes. Human sociality is unique, however, insofar as it can be based on formal laws or customary rules formulated deliberately by reason. Similarly, ethics in the strict sense is uniquely human to the extent that it requires some rational deliberation in formulating a plan of how to live. Albert notes, however, that some other animals do exhibit "some natural inclination to a likeness of virtue," because their natural instincts and cognitive capacities incline them to act according to a "plan of life."<sup>28</sup> On each of these points—and on the points involving human and animal capacities to reason and communicate—Albert reiterates a biological teaching of Aristotle that is later adopted by Aquinas.

There is, then, plenty of evidence that Aquinas's natural law is rooted in the natural instincts of human biological nature. Despite this, many of the most influential scholarly commentators on Aquinas give little attention to the biological foundation of Aquinas's understanding of natural law. John Finnis, for example, has led a recent revival of interest in Thomistic natural law, yet he largely ignores the importance of biological reasoning to Aquinas's account. Although Finnis is forced to acknowledge Aquinas's claim that the natural law is similar for human beings and other animals, he quickly dismisses this idea in his restatement of Aquinas. For Finnis, the biological uniqueness of human beings as the only animals capable of conceptual reasoning and language in the strict sense creates an absolute separation between human beings and other animals.<sup>29</sup>

Finnis believes that the precepts of natural law cannot be properly derived from natural human desires, because to do so would commit the "naturalistic fallacy" by moving from natural facts to moral values. Like

<sup>24</sup> Albertus Magnus, *On Animals: A Medieval Summa Zoologica*, trans. Kenneth F. Kitchell, Jr., and Irven Michael Resnick (Baltimore, MD: Johns Hopkins University Press, 1999), 587.

<sup>25</sup> *Ibid.*, 1415–18.

<sup>26</sup> *Ibid.*, 766–73, 1420–25.

<sup>27</sup> *Ibid.*, 1420–21.

<sup>28</sup> *Ibid.*, 58–62, 64–67, 93, 745–47, 1420, 1446–47.

<sup>29</sup> John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980), 401; John Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), 82, 103, 116, 147–48, 153–54.



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Ralph McInerny, however, I do not think that Aquinas separates facts and values in this way.<sup>30</sup> For Aquinas, the good is the desirable. Every purposive human action implicitly involves the judgment that what we seek to accomplish through that action will be desirable in the sense of truly perfecting or fulfilling us. Consequently, the judgment that we *ought* to desire what is *truly* perfective of us is already present in any given desire. There is no purely *factual* desire separated from *prescriptive* desire—hence, there is no fact-value dichotomy.

In contrast to those like Finnis, I believe that the Aristotelian and Thomistic tradition of ethical naturalism is rooted in a biological understanding of human nature.<sup>31</sup> Alasdair MacIntyre has recently taken a similar position despite his earlier demurral. In his remarkably influential book *After Virtue* (1981), MacIntyre tried to defend an Aristotelian and Thomistic view of ethics as founded on the moral and intellectual virtues, but he wanted his ethical view to be independent of Aristotle's "metaphysical biology."<sup>32</sup> Almost twenty years later, in *Dependent Rational Animals*, he has conceded that "I was in error in supposing an ethics independent of biology to be possible."<sup>33</sup> He gives two reasons why he now thinks his previous view was in error. First, we cannot explain how we develop into moral beings unless we explain how our biological nature as animals makes such a form of life possible for us. Second, denying or denigrating our bodily nature as animals obscures our natural vulnerability and dependence. As animals, we are vulnerable to physical and mental ills and disabilities, and this vulnerability makes us dependent on others to secure our survival and flourishing; this dependence is most commonly evident in childhood and old age. Accepting a link between biology and ethics, MacIntyre goes on to state that the Aristotelian and Thomistic understanding of the animal nature of human thought and action is confirmed by modern Darwinian biology.<sup>34</sup> My purpose in this essay is to elaborate some of the arguments that support MacIntyre's change of mind.

### III. ADAM SMITH

To understand the significance of Adam Smith's account of natural law, we need to understand the criticisms that faced the Aristotelian and Thomistic account of natural law as rooted in the biology of human

<sup>30</sup> Ralph McInerny, *Ethica Thomistica: The Moral Philosophy of Thomas Aquinas* (Washington, DC: Catholic University of America, 1982), 36–38, 56.

<sup>31</sup> See Arnhart, *Darwinian Natural Right*.

<sup>32</sup> Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, IN: University of Notre Dame Press, 1981), 56, 139, 152, 166–67, 183, 220.

<sup>33</sup> Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999), x.

<sup>34</sup> *Ibid.*, 5–6, 11–12.

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nature. The modern break with the Aristotelian and Thomistic account began in the seventeenth century with Thomas Hobbes. Aristotle and Aquinas had claimed that human beings are by nature social and political animals. Hobbes denied this claim and asserted that social and political order is an utterly artificial human construction. For Aristotle and Aquinas, moral and political order was rooted in biological nature. For Hobbes, such order requires that human beings conquer and transcend their animal nature. What Hobbes identified as the "laws of nature" that should govern human conduct were actually "laws of reason" by which human beings contrive by rational artifice to escape the disorder that ensues from following their natural inclinations.<sup>35</sup>

Hobbes assumes a radical separation between animal societies as founded on natural instinct and human societies as founded on social learning. Human beings cannot be political animals by nature, Hobbes believes, because "man is made fit for society not by nature but by education."<sup>36</sup> Against Aristotle and Aquinas, Hobbes argued that this dependence of human social order on artifice and learning meant that human beings were not at all like the naturally social animals (such as bees and ants).<sup>37</sup> Despite the monism of Hobbes's materialism, in which he seems to think that everything is ultimately reducible to matter in motion, his political teaching presupposes a dualistic opposition between animal nature and human will: in creating political order, human beings transcend and conquer nature.<sup>38</sup> This Hobbesian dualism is developed by Immanuel Kant in the eighteenth century when he formulates the modern concept of culture.<sup>39</sup> Culture becomes that uniquely human realm of artifice in which human beings escape their natural animality to express their rational humanity as the only beings who have a "supersensible faculty" for moral will. Through culture, human beings free themselves from the laws of nature.

In opposition to the Hobbesian claim that human beings are naturally asocial and amoral, Francis Hutcheson and other Scottish philosophers of the eighteenth century argued that human beings were endowed with the natural instincts of social animals, and that this natural sociality supported a natural moral law as expressed in the natural moral sense. Hutcheson's theory of the moral sense can thus be seen as a revival of the

<sup>35</sup> Thomas Hobbes, *Leviathan*, chaps. 14–15.

<sup>36</sup> Thomas Hobbes, *De Cive*, chap. 1.

<sup>37</sup> Hobbes, *Leviathan*, chap. 17; Hobbes, *De Cive*, chap. 5, par. 5; Thomas Hobbes, *De Homine*, chap. 10.

<sup>38</sup> On Hobbes's dualism, see Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa M. Sinclair (Chicago: University of Chicago Press, 1952), 7–9, 168–70.

<sup>39</sup> Immanuel Kant, "Speculative Beginning of Human History," in Kant, *Perpetual Peace and Other Essays*, trans. Ted Humphrey (Indianapolis, IN: Hackett, 1983), 49–60; Immanuel Kant, *Critique of Judgment*, trans. Werner S. Pluhar (Indianapolis, IN: Hackett, 1987), secs. 83–84.