

Article published in volume 28 of IDEAS Y LIBROS EDICIONES, May 2023, based on discussions at a **bibliographic seminar of AEDOS on commentaries on "Living in Christ, the Faith that Works through Love" by Fr. Juan José Pérez-Soba*

On Natural Law

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I gratefully accepted the invitation from Fernando and Juan José, bought the book, read the table of contents and browsed through its content. And it seemed to me that I could contribute very little, given my modest knowledge and the high theological level of the book.

On a second reading, I thought I might add something to Chapter XV: *The Law as a Path to Freedom*. Then I was also encouraged to see that the bibliography for that chapter opens with the 2009 document of the International Theological Commission: *In Search of a Universal Ethics: A New Look at Natural Law*. It was due to this document, introduced by Monsignor Ladaria and Tomás Trigo in the EUNSA 2010 edition, that I have taken the decision in 2013 to contrast and disseminate the ideas I had first developed in 2000 but had set aside for thirteen years, fearing they might be erroneous or heterodox.

In my contribution I will try to offer some elements which I believe complement Juan José's text: first, a clarification of the concept of natural law; and second, the explicit formulation of certain precepts which I believe the natural law contains and which are still not included in the formulation of universal morality. Naturally, these concepts bear on several other topics treated throughout the rest of the book. But the possible work of revision exceeds the scope of this commentary. That can wait for another day, if any of my ideas are found to be valid.

As a preliminary note, I must say that, although I am a practicing Catholic, I will attempt to think and write this commentary *etsi Deus non daretur*, as if God did not exist. Although, naturally, if my ideas are true, they will also be valid *veluti Deus daretur*, as if God does exist. I believe this was the intention of John Paul II, Cardinal Ratzinger and Msgr. Ladaria when they undertook the work of the ITC cited above: to find a common ground for believers and non-believers on which to establish a foundational ethics. They did not achieve the hoped-for success, possibly because they did not encounter my basic ideas which they were not even looking for.

The title of the book under discussion, *Living in Christ, the Faith that Works through Love*, seems to suggest that it is addressed only to believers. But the subtitle is: *A Manual of Foundational Morality*. And morality is something that concerns all human beings, especially if it is fundamental.

Note. I use the term "morality" in senses 1 and 4 of the DRAE: Moral. 1. Belonging or relating to the actions or characters of persons, from the standpoint of goodness or malice. II 4. The science that deals with the good in general and with human actions in relation to their goodness or malice. Foundational: that which serves as a foundation or is the principal element of something. Principal: that which holds the first place in esteem or importance and takes precedence over others.

My aim is to examine whether all or part of what Chapter XV of the book says is valid for all human beings, or only for believing Catholic Christians. As I have said, the International Theological Commission document sought to establish a basis for attempting to arrive at a morality common to all human beings, or at least at some shared virtues. It seems that the intention of the then-Cardinal Ratzinger was to avoid the relativism that made, and still makes, moral norms dependent on the total freedom and autonomy of individuals. Under such a scheme everything is permissible and there exists no universal moral foundation or criterion by which to judge what is good or bad, better or worse.

This lack of common, universal moral principles is the greatest problem facing our globalized humanity. And on the other hand, in an interrelated world, if one Catholic group, or any other group, operates from a different moral foundation, friction and clashes will follow. History attests to this. Groups that are more altruistic towards outsiders may find themselves disadvantaged in relation to internally cohesive but externally more self-interested collectives. And individuals within each group will also be affected in their personal relations, which are becoming ever more intense and closer between people from all over the world.

All of this makes it seem urgent and important to try to find and embrace a universal ethical principle that can ground basic moral norms common to the greatest possible number of persons and human groups or collectives, both vertical (regions, nations, states, unions...) and cross-cutting (companies, national and international bodies, political parties, states, religions, NGOs...).

Chapter XV is entitled "*The Law as a Path to Freedom*" and spans pages 303 to 328. It is a broad and dense text dealing with the Law of Scripture and natural law. For my part, I will attempt to set out some ideas, above all concerning natural law, in case they might add something to Juan José's erudite exposition. Specifically, I develop three aspects which I believe concern all human beings as persons and humanity as a whole:

1. The concept of natural law and its universal validity
2. The good or goods that are universal, common and priority objectives to seek.
3. Human actions (virtues and sins) in terms of their goodness or malice.

1. On the Concept of Natural Law

Even with my limited knowledge, I have read a good deal on natural law. And there is a multitude of definitions and uses among those who accept it, alongside others who consider it non-existent. A first task will therefore be to try to establish a concept that, while being rigorous and accurate, is valid for all: believers, agnostics, atheists, materialists and spiritualists.

I believe that Juan José's text reflects the position of believers. I quote some of his paragraphs:

On page 302 and following he says that:

"The biblical context introduces the law as a foundation, as prior to concrete choices... Man (...) must freely do good and avoid evil. To do this man needs to be able to distinguish good from evil (VS 42). This is the place of law in action: an aid to freedom on its path of loving. It is an inner light for action, guiding it... It is a special light that makes one act... One responds to it by walking to draw near to the end".

On page 310 he speaks of light as the principle of the journey, and of law as participation in creative wisdom. Among other things he says:

"God said: 'Let there be light, and light came to be' (Gen 1:3). Light is the first of what was created, as a principle of discernment and of goodness, 'and God saw that the light was good' (Gen 1:4). The light of which we speak is 'the light of natural reason, by which we discern the good and the bad'. The principle that guides our journey precedes us and is given to us; we do not acquire it through effort; it occurs in every human being and unites us in a shared destiny."

It seems then that this law is the capacity of all human beings to judge good and evil. It does not say what the end is; it is an aid to walking freely towards each person's destiny. And it is presumably also a light to illuminate the path of humanity. Mr. Juan José does not explicitly address this question, since his work is a manual of personal morality. And it seems that what is good for the individual should also be good for the whole, and vice versa. The question remains of what is good for the whole, and whether the whole is a subject capable of doing and expecting something good, and at what level, if there are several. This was the question that preoccupied Teilhard above all. And me, to a moderate degree.

Translating this into the scientific language shared by believers and non-believers, natural law would correspond to each person's capacity to judge whether their behavior is better or worse in any given situation. For this judgement, human beings draw on inherited and acquired genetic and cultural information and the implicit moral norms that come with them. According to the DRAE¹, *natural law* is: "The dictate of right reason prescribing what must be done and what must be avoided." Where *dictate* means: the opinion and judgement formed or issued about something; and *prescribe* means: to order or decide the binding character of something.

As one can see, the definition held by believers and that of the DRAE, which expresses secular knowledge, are similar and mutually compatible. Both are valid for believers and non-believers alike, regardless of who the possible author of either might be.

And in both usages, this capacity *obliges* action or abstention at every moment of human life. In the case of believers, Mr. Juan José amply documents this obligation. We have already quoted the phrase from *Veritatis Splendor*: "Man (...) *must do...* good and avoid evil." And he can and must do so freely, not because the law compels him. The law is "the order of reason" to orient acts towards the ultimate end.

For all human beings, believers and non-believers, natural law obliges because it is a means of seeking a natural, transcendent, or twofold end, as we shall see shortly. Natural law contains the principle and the norms, implicit in all human beings, by which

¹ DRAE Dictionary of the Royal Academy of Language

each person seeks to attain all possible vital ends and objectives, whether material, spiritual or transcendent.

I believe this concept of natural law is valid for all human beings, and I believe it can be understood and accepted by believers and non-believers alike. The basic differences lie in the ends or goods to be attained, and formally in the existence or non-existence of an external Lawgiver. These differences may also give rise to some discrepancies regarding the means to be used, that is, concerning the actions considered good or bad and the virtues and vices that produce them. I develop these ideas further below.

2. The Good, or Goods, to Be Sought.

In the book under review, the supreme individual Good appears to be eternal life in heaven. I quote some passages:

On page 303, Chapter XV opens with: "I set before you, life and death, blessing and curse. Choose life so that you and your descendants may live (Dt 30:19)".

Here we do not know whether the life in question is life in this world or eternal life, or both. Both interpretations seem to make sense. In any case, it seems clear that the good to be chosen is life. And it also seems clear that, for human beings to attain eternal life, they must first have earthly life. That is, the earthly life of the human being and of his or her descendants is a necessary good — at least as a universal, common and priority instrumental good.

On page 304 it says: "Jesus, when asked about the good, refers to the law (Mt 19:16-20)." This is the passage of the young man who wants to know what he must do to attain eternal life, and Jesus tells him: "If you wish to enter into life, keep the commandments."

It seems that the law here is the Law of Scripture, and that the good to be attained is eternal life. The means, keeping the commandments, is something that is done while living. For human beings to seek eternal life by keeping the commandments, there must be living human beings. I regret the repetition, but it seems necessary to state and restate these ideas. The problem is that they are so elementary and obvious that, unless they are made explicit, they go unnoticed and unremarked.

On page 312 he quotes St Paul (Rom 2:14-15):

"When Gentiles, who do not have the written law, do by natural reason what the law commands, these, though they have no law, are a law unto themselves. And they show that what the law ordains is written in their hearts, as their own conscience bears witness to them..."

It seems that the law written in the Gentiles' hearts is also natural law, but that if they follow it, they do what the written Law essentially commands, which seems just and logical: both laws coincide, at least in what can be known through natural reason, even without knowledge of the written Law. It seems that the good the Gentiles seek by fulfilling natural law is likewise eternal life.

As for other ends, it appears that beyond transcendent ones there exist other "material" objectives, common to all human beings as the social living beings they are.

Mr. Juan José, on page 314, briefly sets out St Thomas's common *natural inclinations* in a more condensed version than that found in the *Summa* q.94 a.2 and in the ITC document. This brevity is natural, since Mr. Juan José's fundamental morality prioritizes the transcendent end. And the moral norms of Scripture for attaining eternal life include and surpass the norms of natural law.

I think it worth noting that believers have an advantage over non-believers in fulfilling natural law, because they have the support of faith, the other virtues, and the entire material and spiritual structure of religion — as well as the explicit Law of Scripture which helps them in the knowledge of common norms. Although all this also obliges them to be better. And with that, to be the vanguard of the expansion of Love in the world the spearhead of the coming of the Kingdom of God; the salt of the earth. And they also aspire to greater rewards: happiness in this earthly life and in eternal life in heaven.

With this in view, the spread of the Law of Scripture — the Christianization of the world, means advancing in its spiritualization, in extending love of God. And through this love, increasing love for all human beings and for all creation. This purpose and the morality that promotes it therefore appear to be optimal.

The problem is that there are many human beings who do not know our God, or who, having heard of his existence, do not believe in him. And even those who know him and believe in him do not sufficiently follow the written Law regarding love of God and of neighbor. The option the Church has followed and continues to follow is to preach the

Gospel to the ends of the earth so that there may be more believers, and to seek to make believers better by fulfilling the Law of the Gospel, which includes and surpasses natural law. But this "total and simultaneous" option is slow and laborious.

My idea is that, in order to advance as far as possible and to prepare the ground for sowing the Good News, it also seems appropriate — and at the same time — to foster the knowledge and acceptance of natural law, and with it the knowledge and acceptance of those "material" ends that coincide with those of the written Law — which are many. These ends are inscribed in human nature, illuminated by natural law; that is, they are addressed to the "natural" part of the human being. I believe Msgr. Ladaria expresses well the human nature subject to natural law in his *Introduction to Theological Anthropology* when he says: (cf. my website. [Supervivir](#), p. 238)

"...starting from the actual reality of our being, human nature would be what remains after mentally removing what in us derives from supernatural elevation. K. Rahner has spoken in this context of nature as a residual concept..."

Without prejudice to the fact that this human nature may be as defined by *Gaudium et Spes*: that of "...man as a unity of body and soul, heart and conscience, mind and will". And to the fact that supernatural elevation continues to exist, since if it exists it is indelible.

In summary, I agree with that idea of the ITC that all human beings, past, present and future, believers and non-believers in our God alike, have had and have, implicit in their nature, the natural law which contains the ends to be sought and the norms for seeking them. Naturally, believers in Scripture have, in addition to this implicit natural law common to all humankind, written laws or commandments which, normally and barring errors in transcription or interpretation, should include the precepts of natural law. This convergence and interpretation across different cultures and historical periods is extensively explored in "Living in Christ...".

I will now try to summarize the possible common natural ends. And then, in the following section, the moral norms for seeking them.

As I have said, one formulation of the natural ends cited by Mr. Juan José is that found in the ITC document, section 2.3, on the precepts of natural law. It states: (*Supervivir*, p. 142)

"46. Three major sets of dynamisms that operate in the human person have traditionally been distinguished (Summa q.94). The first, which he shares with all beings, essentially comprises the inclination to preserve and develop one's own existence. The second, common to all living beings, includes the inclination to reproduce to perpetuate the species. The third, which is proper to him as a rational being, entails the inclination to know the truth about God and to live in society."

These dynamisms, or inclinations as St Thomas calls them, are part of natural law; and it is also stated that "reason apprehends them as good and therefore as something that must be pursued."

The very end or objective of surviving and perpetuating the species is already contained in the first basic commandment given to the animals and to human beings on the fifth and sixth days of creation and repeated to Noah and his family in Genesis 9:1. "Be fruitful and multiply and fill the earth..."

It seems then that this vital objective of living and perpetuating the species is the main and priority objective that the law ordains, both St Thomas's natural law and the Law of Scripture.

Moreover, observing the behavior of all species and of the Human Being, one likewise deduces that their primary and priority vital objective is survival.

We have, therefore, inscribed in our human nature the common and universal objective of preserving and transmitting life. And this vital imperative is ordained in both the written Law and natural law and confirmed by the observed behavior of all known species.

Through ignorance or through treating it as self-evident, when ethics and human morality are discussed this priority vital objective is not addressed. Discussion focuses on partial objectives and ethics: happiness, well-being, progress, evolution, peace, dignity, justice, solidarity, cooperation... I believe that having a clear view of the primary end or objective must precede any reflection on partial objectives and on the virtues most suited to pursuing it.

3. Morality. Human Actions in Terms of Their Goodness or Malice. Virtues and Sins.

Once the end or ends are known, the next question is what must be done and how to seek them. That is, how to behave: morality, the norms to be followed, the moral virtues

to exercise and the vices to avoid, and the norms to be made explicit: laws, customs and practices.

As I anticipated in the final paragraph of the previous section, much has already been said and done regarding virtues and partial objectives. And in general, all the virtues have been and are good and useful in every situation. And many of them are good and useful in every time and circumstance.

In this matter I believe that Fr. Juan José's vision, that is, the Christian vision, is the optimal one. Love is the best means. And it is so good a means that it is, at the same time, an end. I develop the idea further to apply it to non-believers and to give believers a more detailed perspective.

The entire book, from its title, is permeated by love as motor, means and objective. On page 3, Part 1 is entitled "*The Moral Experience. Love as the Light of Life*" and in the first line, which gives the book its title, it quotes the *Evangelii Gaudium*, which in turn quotes St Paul: "The faith that works through love" (Gal 5:6). And it speaks of love as experience.

From page 3 to page 32 it treats of love. On page 13 it deals with the theological and Christological value of moral experience and says:

"There remains one final moment of moral experience with a special value. Not every moral action contains it, yet it remains a point of reference for every human act. It is the transcendence of a man giving his life out of love. Though it seems very difficult to live, any person can recognize it as valuable."

It then gives as an example Adam's self-giving to Eve, quoting Gen 2:24: "...therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh." And it comments: "Man's identity is united to the act of giving his life out of love."

Chapter IV is devoted to the Gift. From "the structure of the gift" I reproduce what seems most significant for our purposes. On page 67 it says: "Every gift is an act of love." And on page 68 it highlights what is specific to the gift in comparison to the structure of love. In summary it says:

- *The first is otherness. No one gives anything to themselves but to another distinct from themselves. Yet we must love ourselves with an upright love. Hence not every*

act of love is a gift, though every act of giving is love. Every gift ends in another person.

- *The second is liberality. The gift is a special act of freedom in the absence of a moral duty...*
- *The third is disinterestedness... But it is not wrong to give so that something may be returned.*
- *The fourth is the necessity of reciprocity.*

As Dr. Juan José says, "it is not easy to speak of the gift (...) because its value as a fundamental dynamic in the human being and as the logic of action is not known." He devotes 22 pages to it, but for my purposes what I have quoted suffices to support my idea of broad "natural" altruism.

I add only one phrase from page 70. It says: "The new commandment of Jesus Christ is a love of communion, which is mutual (Jn 15:12-13)." He develops it on page 146 and summarises it on page 148, where, referring to Christian charity, he says:

"Charity is not just any love; it is a reciprocal love, habitual, sustained by objective mediations that constitute the communication making possible different personal communions; personal and concrete, surpassing the mere egalitarianism of justice; universal, since it extends to all human beings including enemies; intimate, as it involves immediate union with God."

As for the virtues to be developed for attaining the good, these are treated in Chapter X, entitled "The Virtuous Christian Subject: 'Measured by Christ'". He speaks of the necessity of moral virtues. On page 195 he states that "charity is the motor of the rest of the virtues." And then: "The primacy of charity responds to the Pauline hymn: 'The greatest of these is charity' (1 Cor 13:13)." He then develops, alongside wisdom, the other cardinal virtues: prudence, justice, temperance, fortitude.

I have summarized above, with little order, what has seemed to me most significant in the Christian means for fulfilling the Law of Scripture and seeking the priority Good: eternal life. Even with my clumsy exposition, it seems clear that the basic means is Love, which takes the form of charity in relations with one's neighbors and includes the virtues as the concrete expression of each person's love and charity as a moral subject.

In the previous section we saw that the Law of Scripture includes natural law, whose priority vital objective is survival of all species and of the Human Being.

Our increasingly clear conviction is that the most effective and efficient means of seeking this priority vital objective is some form of altruism. In social species, altruism is indispensable. In the case of the human being, beyond the instinctive altruism of the hymenoptera and the reciprocal altruism of many vertebrates, human altruism/love has been and remains fundamental.

As I have said in all my writings, broad altruism encompasses any action or omission, any "gift", that benefits another or others: productive work, teaching, research, commerce..., the care and improvement of oneself (healthier, wiser, holier). And the social and personal virtues that promote these actions and attitudes: justice, cooperation, solidarity, honesty, industriousness, prudence, sobriety...

A growing number of scientists affirm that some form of altruism has been and is beneficial for the survival of human beings, from Darwin himself to modern neuroscientists.

Conclusion

Begging pardon for the disorderly way in which I have presented it, my commentary aims to contribute the following:

Christian morality, based on the Law of Scripture and the Gospel, has as its transcendent objective eternal life and as its means love/charity, which includes the principal human virtues. This written Law encompasses natural law, which "obliges" all human beings.

My hypotheses, based on natural law and on the observed behavior of known species and of the Human Being, propose that the priority vital objective of the Human Being is its own survival, and that the most effective and efficient means of pursuing it is broad altruism/love, which includes the same basic virtues as Christian morality.

If the foregoing may be true, it seems advisable to test these ideas and, if appropriate, to take them into account as part of the natural law that confirms the mandate of Genesis and the commandment of love for all human beings, believers and non-believers alike.

Being hypotheses grounded in the "human" nature of the human being, they could serve as a foundation for attempting to establish the universal ethics sought by the

International Theological Commission. This universal ethics can and must be adopted while respecting the different beliefs and cultures. And, as the document itself states (2.5), following St Thomas, the concrete applications of natural law may be contingent and adapted to each context and circumstance. This adaptation would be the work of those who study and make explicit moral norms, both those that are common and those specific to each community.

Clarifying Addendum

As I have said above, the principal reasons why a common morality does not exist are that no one has seen the survival of humanity itself as the priority vital objective or end — despite its being implicit in all human beings, and that no one has seen broad altruism/love as the principal and indispensable means of seeking that vital objective.

I believe that the Church has come closest to these ideas, which are written in the Old and New Testaments. And the Church seeks to practice them by preaching Love of God, which includes love for all people. The problem with religions is that they prioritize the spiritual dimension of human beings over the purely "residual" human nature. As, indeed, have philosophers from Aristotle to the present day.

For my part, I do not think this neglect of what is "naturally" human is deliberate, because the Church, especially in recent times, tries to concern itself with the material well-being of human beings. I believe that its historically lesser concern with the survival of humanity is due to a failure to recognize the priority vital objective and altruism as end and means inscribed in natural law.

As for non-believers, one of the problems with not seeing, or not wishing to see, the basic objective and the vital imperative is that if a mandate exists, it seems that there must be a Mandator. And I believe it is ignorance more than pride that leads human beings to think they are capable, by reason alone, of knowing what they ought to do. They confuse our real capacity to discover with the capacity to create. And there are many things we can create. But many other things above all the important ones were already created and legislated before our existence. And human beings can only discover that they exist.

And these things and laws that exist without human beings having created or enacted them exist regardless of their origin. And believers and atheists alike can and

must reflect on them and reach valid conclusions, without any problem arising from who or what is the first reason of their existence.

Foundational human morality, natural law, exists regardless of its origin and obliges all human beings, believers and non-believers. I believe that the problems between science and faith would be reduced if believers and non-believers fulfilled the second commandment. And that when speaking of "discovered" truths, these should not be considered true or false on account of their origin or agency, but on account of their objective truth and their vital utility. Believers "know" that if these truths exist it is because they were created by God, and this need not be stated. And non-believers should have no concern for who created them or what caused them to exist.

In any case, I believe the Church is right to preach the Law of Scripture to all human beings. But in keeping with its vocation as catholic and universal, it might perhaps advance further by preaching to believers and non-believers alike the norms of natural law as "natural" norms, historically and scientifically tested. Norms that represent the two basic commandments of the Law: be fruitful and multiply to fill the Earth and do so with altruism/love; loving all people, Jews and Greeks, friends and enemies. I believe that recent Popes, in their addresses and writings, are already trying to speak to Catholics and non-Catholics alike. And with this same message, in the name of God. What remains to be said is that these commandments are not an "invention" of Scripture: they are written in the heart of every human being and are a vital imperative of nature, whoever it is who placed them there.

Note: To expand your understanding of my ideas, you can visit supervivenciayaltruismo.com