

Natural Law

Critique of The Five Primary Precepts of Aquinas

According to Aquinas, the following five primary precepts are fundamental to natural law and should guide human actions:

1. **Preservation of Life:** The fundamental duty to protect and preserve human life. This precept emphasizes the importance of self-defense and the protection of the innocent.
2. **Continuation of the Species:** This precept highlights the necessity of reproduction and the continuation of human life through procreation.
3. **Education of Children:** The obligation to educate and nurture the next generation, ensuring they understand moral values and the natural law.
4. **Living in Society:** The importance of social interaction and cooperation, which is essential for a well-ordered society. Humans are inherently social beings and must work together for the common good.
5. **Worship of God:** The duty to honor and worship God, recognizing the divine source of moral law and the importance of spiritual fulfillment.

1 and 2 are to do with physical survival. 3 is about survival of knowledge. 4 is our relation to others, and 5, our relation to God.

Is law natural or supernatural?

In nature creatures often prey on other creatures - so display no "duty" to protect and preserve the life of other creatures. They kill out of necessity, so any natural law based on animal behaviour would need to be amended to say -

"a duty to not take life unnecessarily or cause unnecessary suffering"

So, it all depends upon how we define necessity.

Humans can devise alternatives to killing, such as growing foods or gathering - so the necessity of killing is less. Besides controlling their environment to reduce the necessity of killing, they also appear to have a greater degree of freedom from "instinct" - from biological pre-programming. Their experience of "freewill" means that THEY choose to kill or not, rather than any automatic compulsion.

"Instinct" is cause-and-effect - blind compulsion. Yet much of human behavior seems shaped by end goals or purposes that can sometimes override instincts. For example, we forego instant pleasure for future gratification instead, or we make sacrifices for an ideal - or we work for a common good rather than our own.

It is only our freedom to choose that makes US responsible for our actions, so LAW implies freedom to choose. In this sense, natural law is not so much founded upon our animal nature, as it is upon our transcendent nature as creatures who exercise free choice.

But what guides free choice? A choice that is free can go in any direction – it has infinite variability! What usually guides free choice are goals, purposes, ideals, a vision of what we want. Law itself

embodies an ideal of a harmonious society – a vision of an ideal polity – the goal of a just society – the idea of the Kingdom of God.

Free choice is also guided by empathy – our ability to place ourselves in the position of another, and experience what they experience. Our reasoning enables us to infer that they are suffering from their circumstances and their display of emotion.

If the necessity of killing is reduced by

1. the freedom of our choices,
2. the existence of alternate means of satisfaction,
3. understanding the necessity of other creatures, through reasoning
4. feeling the necessity of other creatures, through empathy

then we can see how humans may be in a unique position regarding our duty not to take life. It is probably the case that freedom from compulsive necessity allows for the experience of empathy, which would otherwise be eclipsed.

There may be an important spiritual/psychological law here – that through exercising freedom of choice rather than submitting to compulsion and habit, our reason and empathy become liberated to reach out to other creatures – and we become aware of their suffering – not just a rational awareness, but also an emotional awareness.

It is logical that freedom is a precondition for responsibility, and therefore also for law. But freedom may also be a precondition for love.

And what is the effect of extending an emotional awareness to our biosphere? Is it not a richer, deeper involvement in the life around us - a feeling of kinship with all life. You might describe this state as Edenic – like entering a garden, where you become the garden.



The argument here is that the foundation of law is –

1. Freedom
2. Empathic understanding (made possible through a degree of freedom from our own “needs”)
3. Purpose, vision of a greater good (than immediate gratification)

Natural Law and Conscious Effort

If law, empathy and rational awareness require freedom from compulsion, then natural law may require individual effort to attain that freedom. The realization of natural law in society may require individual liberation. Political change may require individual change. The kingdom of God may begin within.

A Note on Man and Beast

In modern culture, people are often equated with beasts, with the implication that we should or must necessarily behave like them.

However, even at the genetic level we are beginning to perceive significant differences between humans and primates –

<https://howbad.info/genes.pdf>