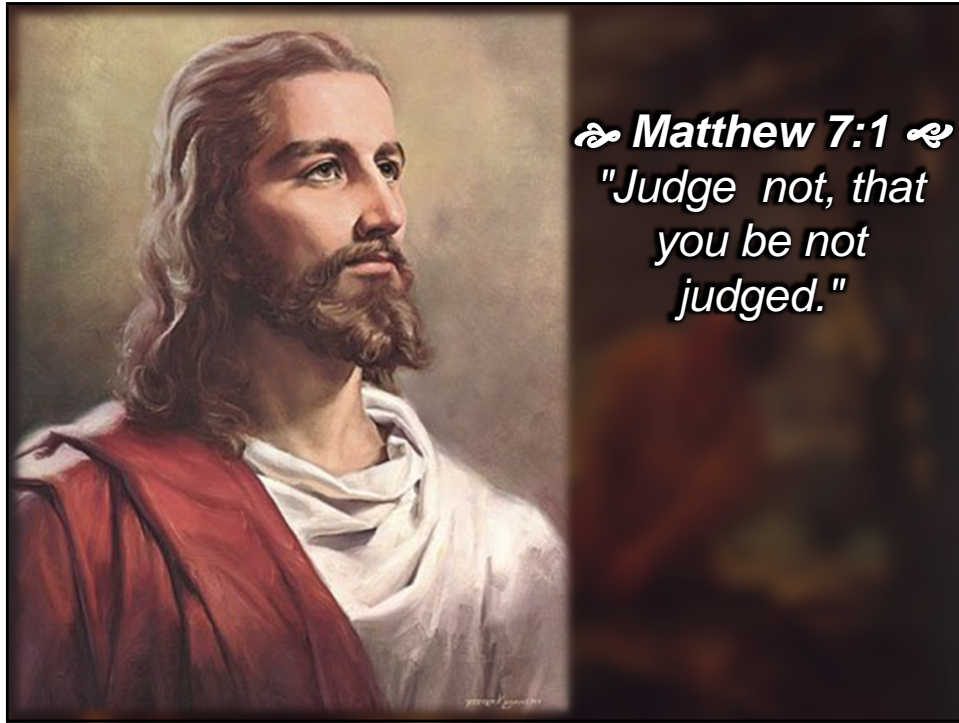
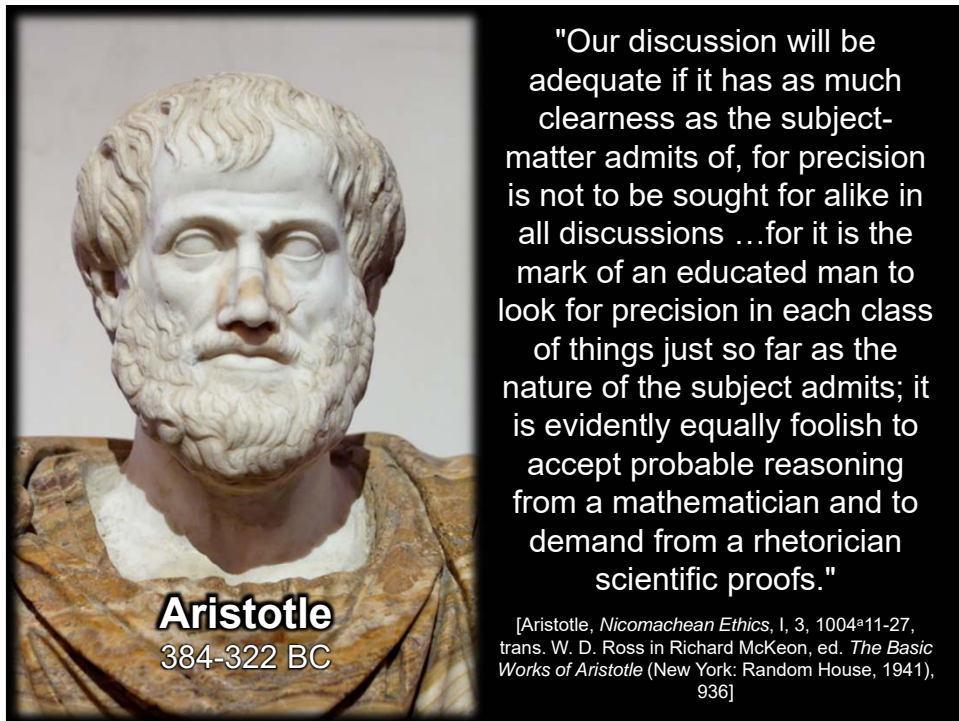


✠ John 3:16 ✠
For God so loved the world that He gave His only begotten Son, that whoever believes in Him should not perish but have everlasting life.



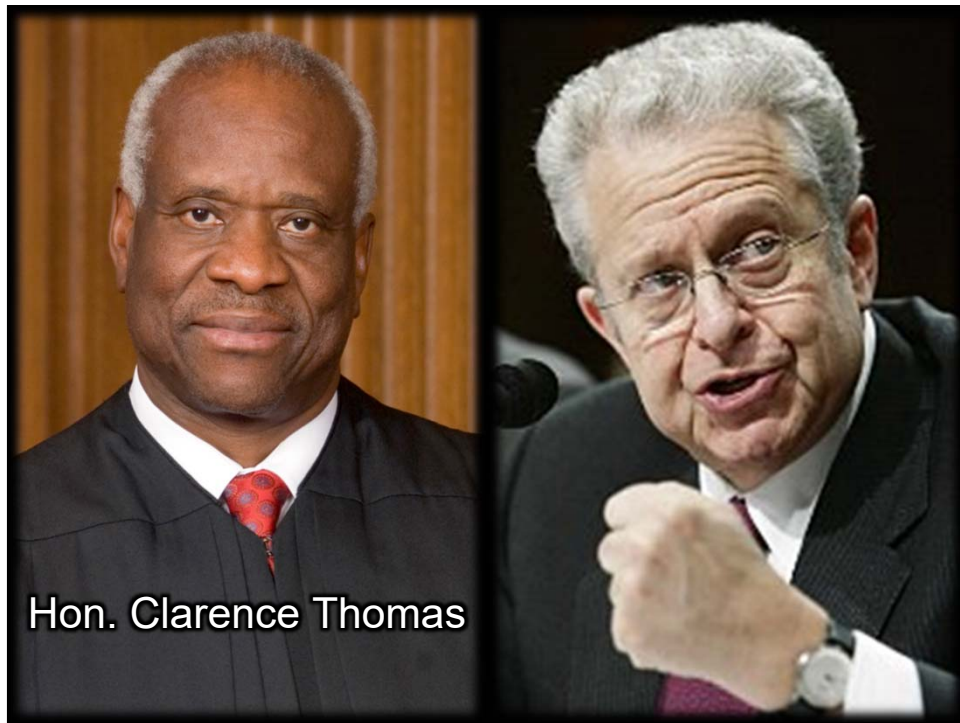
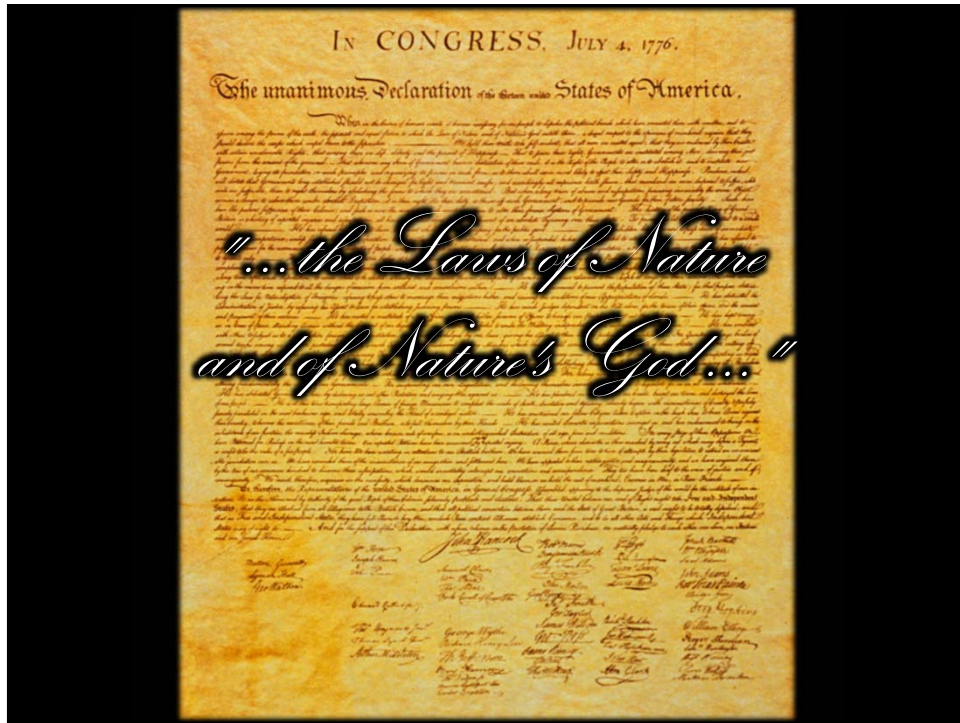
✎ **Matthew 7:1** ✎
"Judge not, that
you be not
judged."



Aristotle
384-322 BC

"Our discussion will be adequate if it has as much clearness as the subject-matter admits of, for precision is not to be sought for alike in all discussions ...for it is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits; it is evidently equally foolish to accept probable reasoning from a mathematician and to demand from a rhetorician scientific proofs."

[Aristotle, *Nicomachean Ethics*, I, 3, 1004^a11-27, trans. W. D. Ross in Richard McKeon, ed. *The Basic Works of Aristotle* (New York: Random House, 1941), 936]





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Clarence Thomas and 'Natural Law'

By LAURENCE H. TRIBE
 Published: July 15, 1991

What is really at stake in the nomination of Judge Clarence Thomas to the Supreme Court? While any candidate nominated to replace Justice Thurgood Marshall would likely accelerate the Court's rightward trend, Judge Thomas's adherence to "natural law" as a judicial philosophy could take the Court in an even more troubling direction.

Most conservatives criticize the judiciary for expanding its powers, "creating" rights rather than "interpreting" the Constitution. These critics talk of returning issues like abortion to democratically elected and politically accountable bodies.

Clarence Thomas, judging from his speeches and scholarly writings, seems instead to believe judges should enforce the Founders' natural law philosophy -- the inalienable rights "given man by his Creator" -- which he maintains is revealed most completely in the Declaration of Independence. He is the first Supreme Court justice in 50 years to

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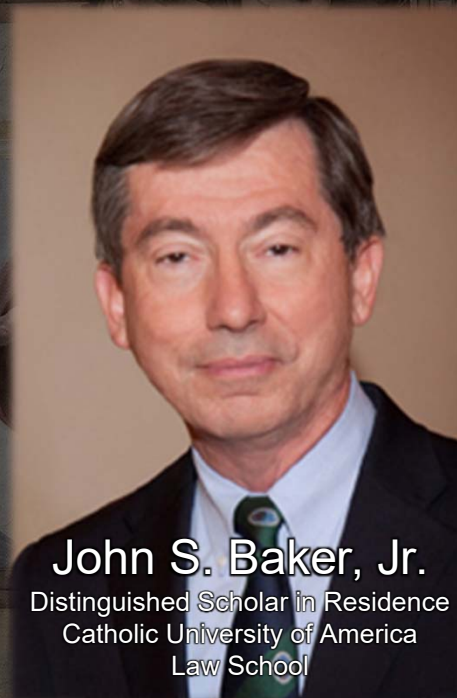
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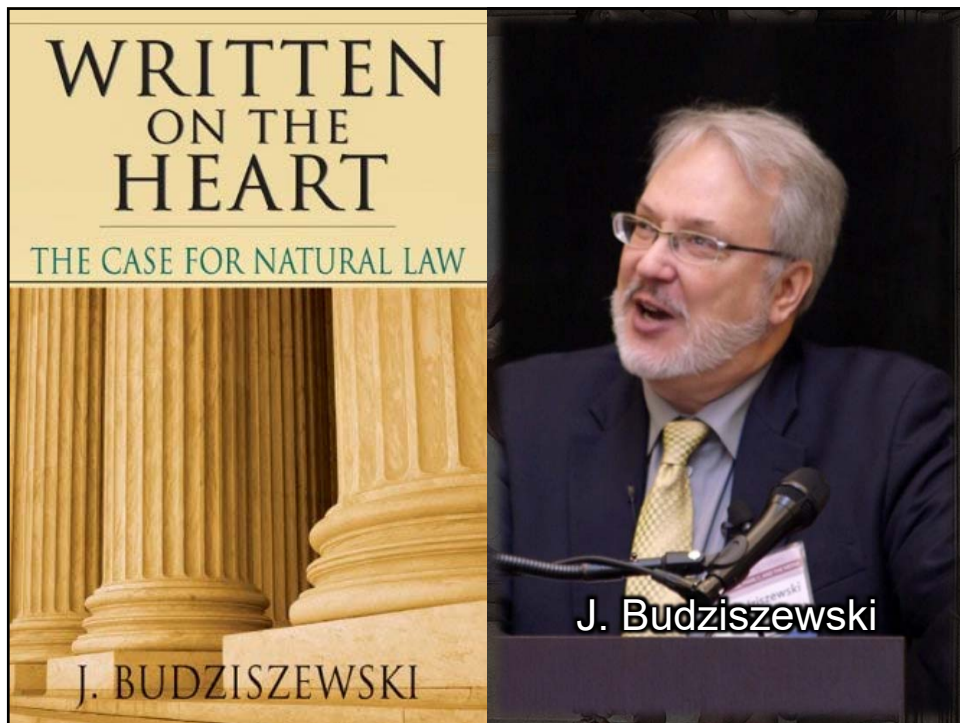
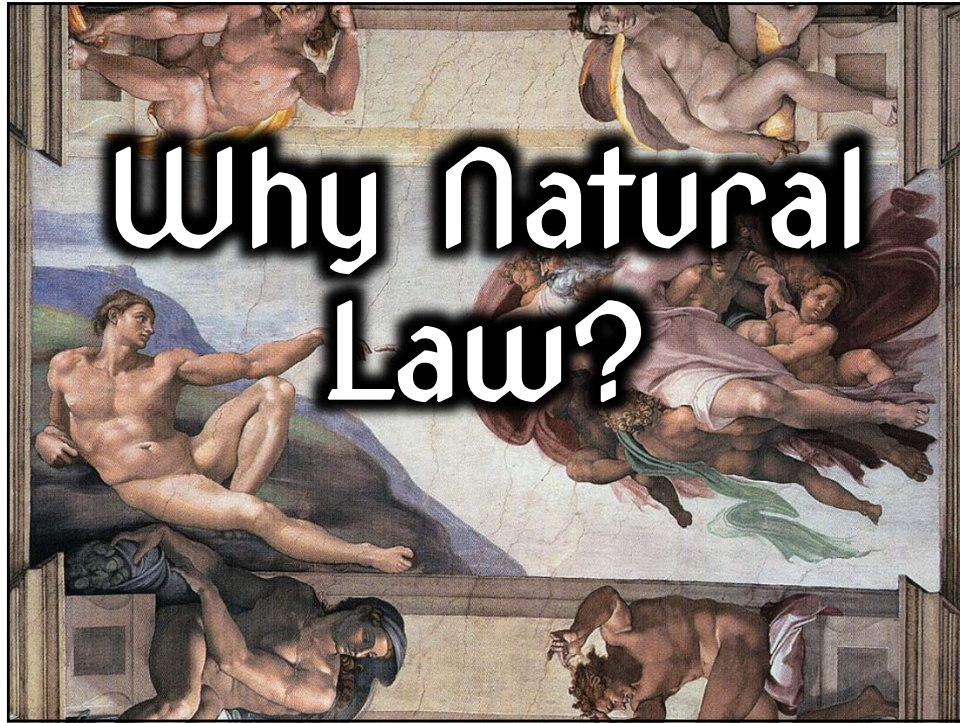
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"The anxious questions asked by the Senators about natural law and the nominee's disavowal that natural law would have any role in his decision of actual cases evidence a pervasive lack of understanding or acceptance of natural law."

["Natural Law and Justice Thomas," *Regent University Law Review* (1999-2000): 471]



John S. Baker, Jr.
 Distinguished Scholar in Residence
 Catholic University of America
 Law School

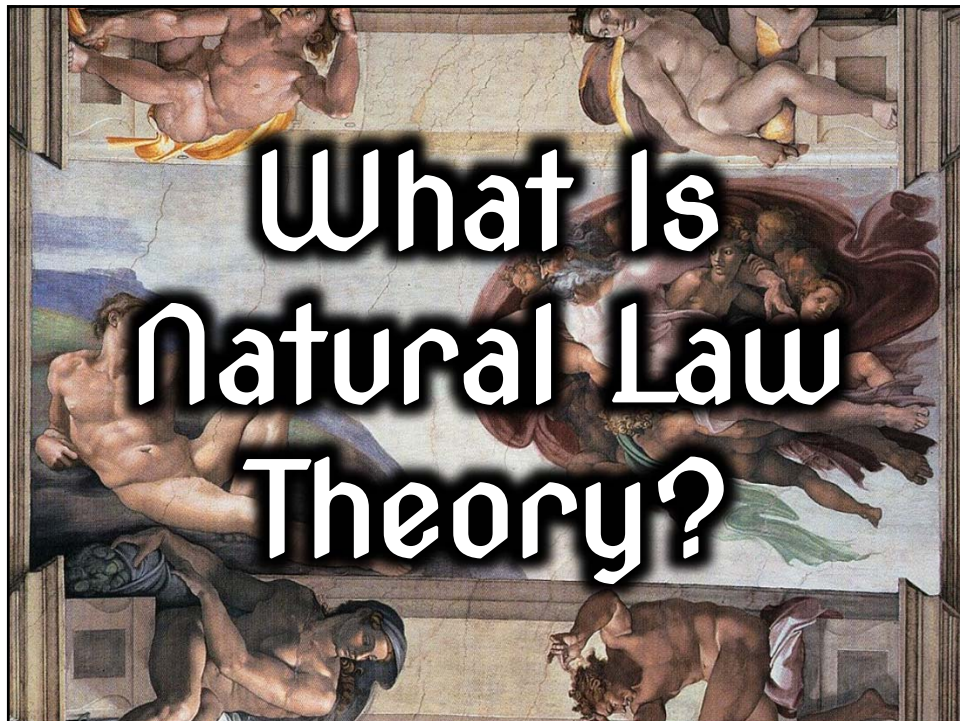
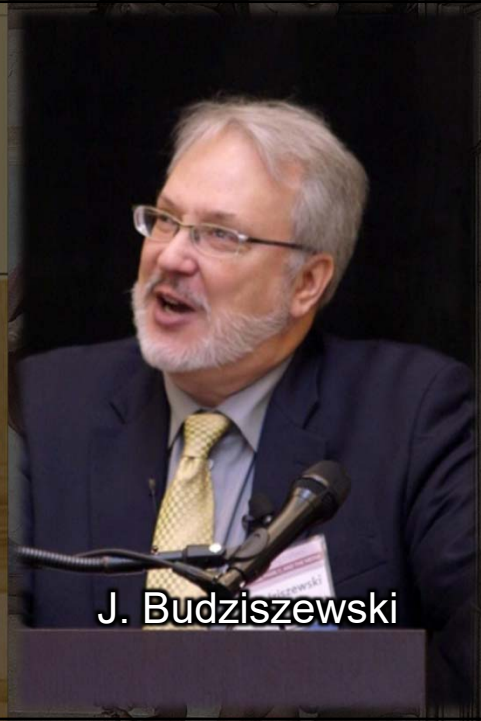


WRITTEN

"Now it may be asked why a Christian should be interested in natural law at all. If one already has the Bible, what use is it? At best it would merely repeat in cursive a small part of what God had already written in great block letters."

[Written on the Heart: The Case for Natural Law (Downers Grove: InterVarsity, 1997), 180]

J. BUDZISZEWSKI



ETERNAL LAW

*God's providential working
of the universe*

*The plan by which God
governs creation*

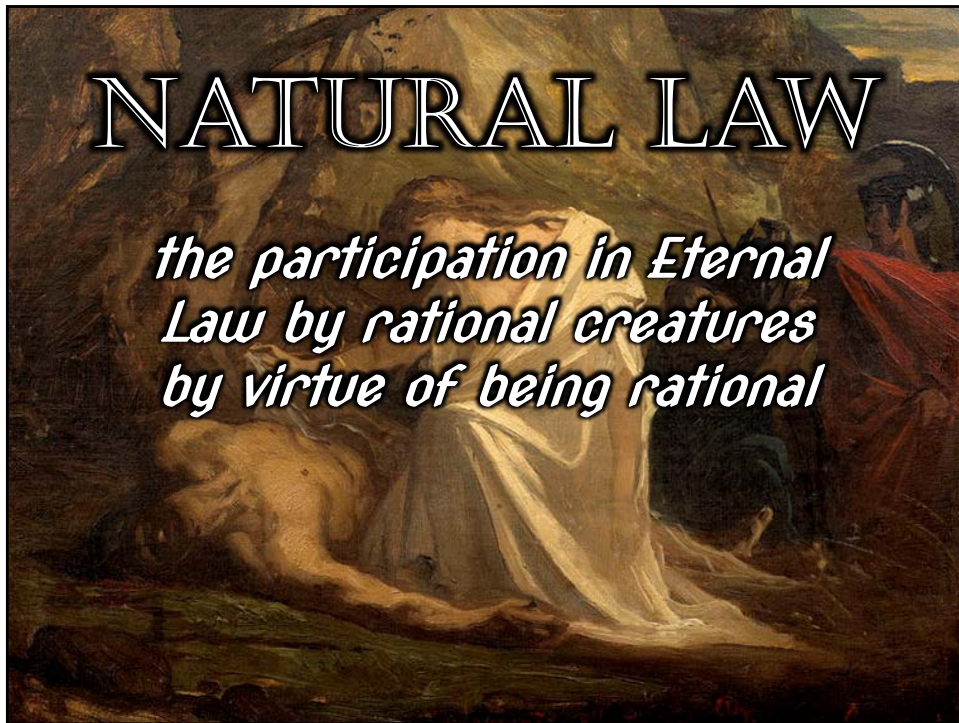
*"It is evident, granted
that the world is ruled
by Divine Providence
... that the whole
community of the
universe is governed
by Divine Reason.
Wherefore the very
Idea of the
government of things
in God the Ruler of the
universe, has the
nature of a law.*

"And since the Divine Reason's conception of things is not subject to time but is eternal, according to Prov. viii, 23, therefore it is that this kind of law must be called eternal."

(ST I-II Q91, Art. 1)

NATURAL LAW

the participation in Eternal Law by rational creatures by virtue of being rational





NATURAL LAW

that aspect of the eternal law whereby the Creator governs and guides the moral actions of humans such that, when obeyed, it leads humans to their proper end in this world



NATURAL LAW

discoverable by reason

"It is evident that all things partake somewhat of the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends.

"Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others.

"Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law."

(ST I-II Q91, Art. 2)

"This is the first precept of law, that good is to be done and pursued, and evil is to be avoided."

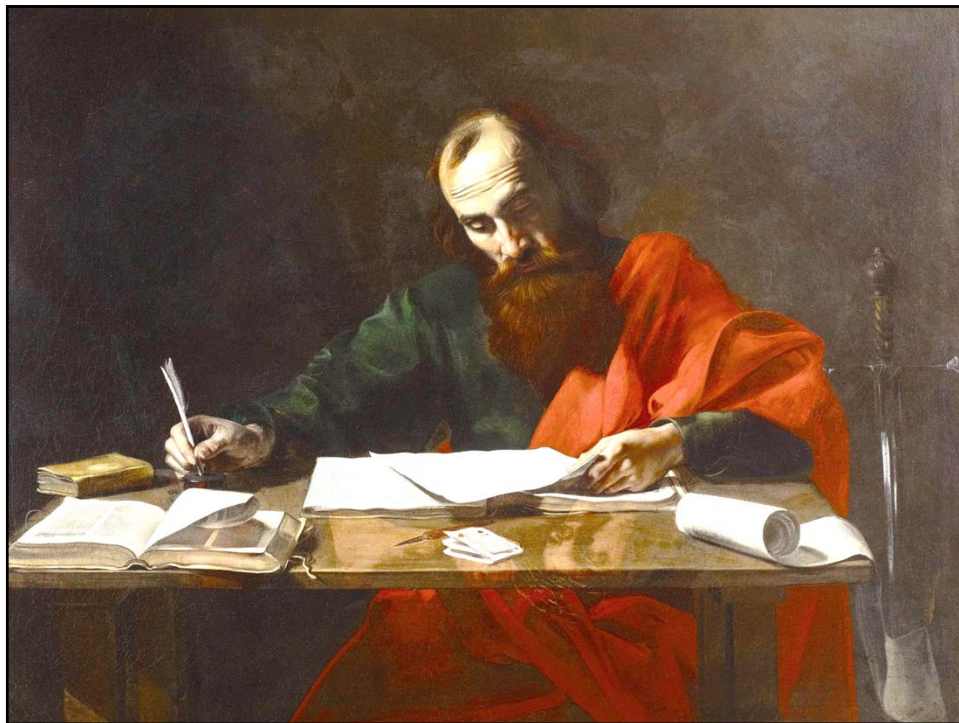
(ST I-II, Q94, Art. 2)

"Nothing, indeed, is more common, than for man to be sufficiently instructed in a right course of conduct by natural law, of which the Apostle here speaks [in Rm 2:14-15]."

[*Institutes of the Christian Religion*, trans. Henry Beveridge (Grand Rapids: William B. Eerdmans, 1975), II, 2, 22]

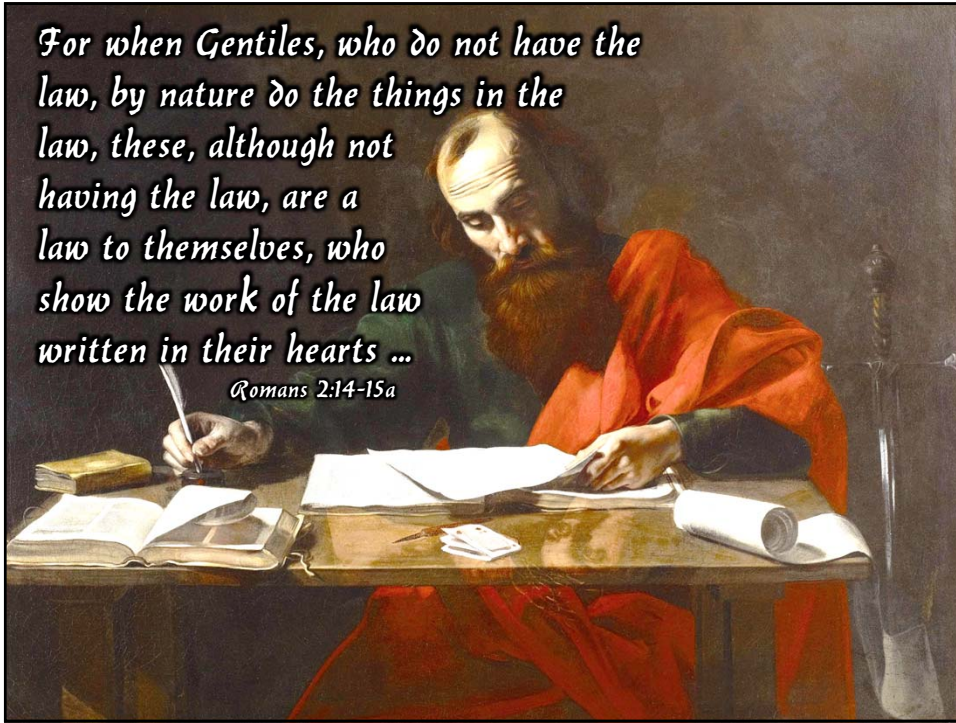


John Calvin
1509-1564



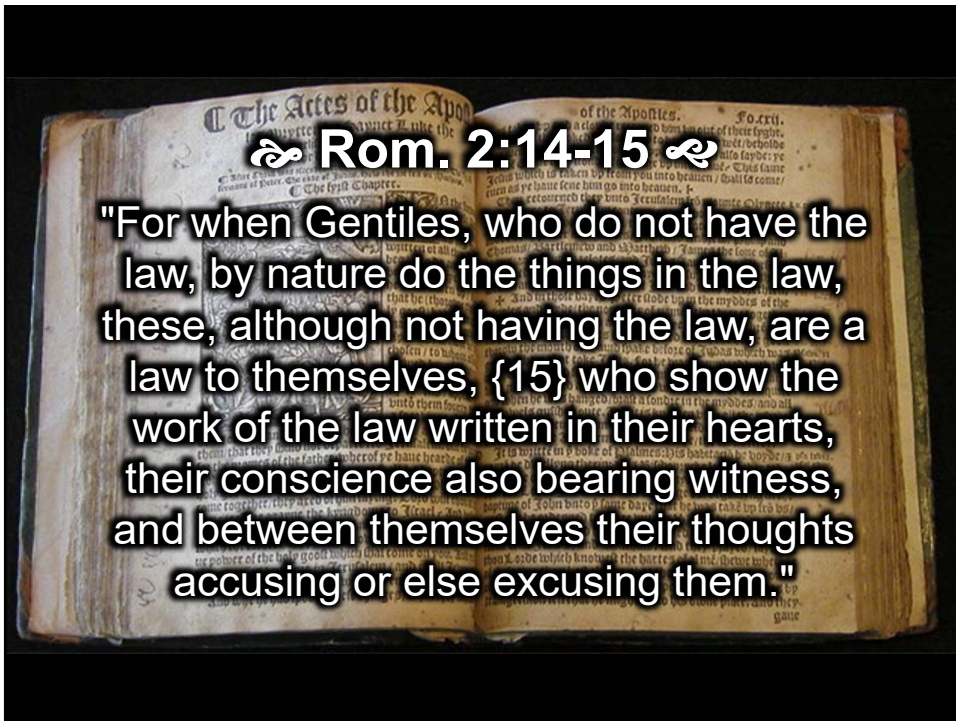
For when Gentiles, who do not have the law, by nature do the things in the law, these, although not having the law, are a law to themselves, who show the work of the law written in their hearts ...

Romans 2:14-15a



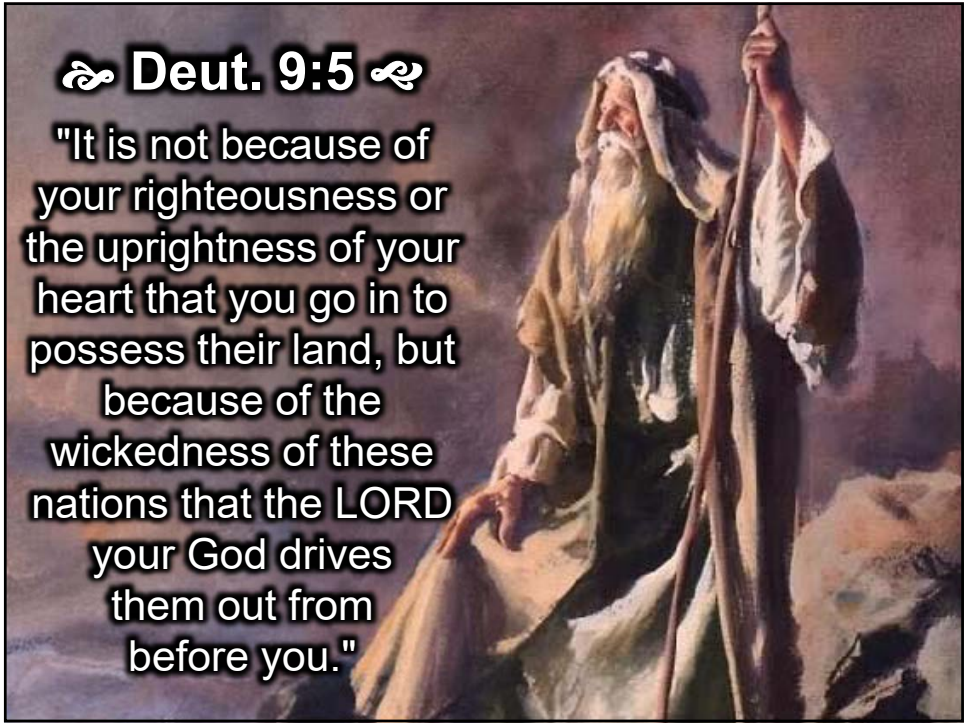
∞ **Rom. 2:14-15** ∞

"For when Gentiles, who do not have the law, by nature do the things in the law, these, although not having the law, are a law to themselves, {15} who show the work of the law written in their hearts, their conscience also bearing witness, and between themselves their thoughts accusing or else excusing them."



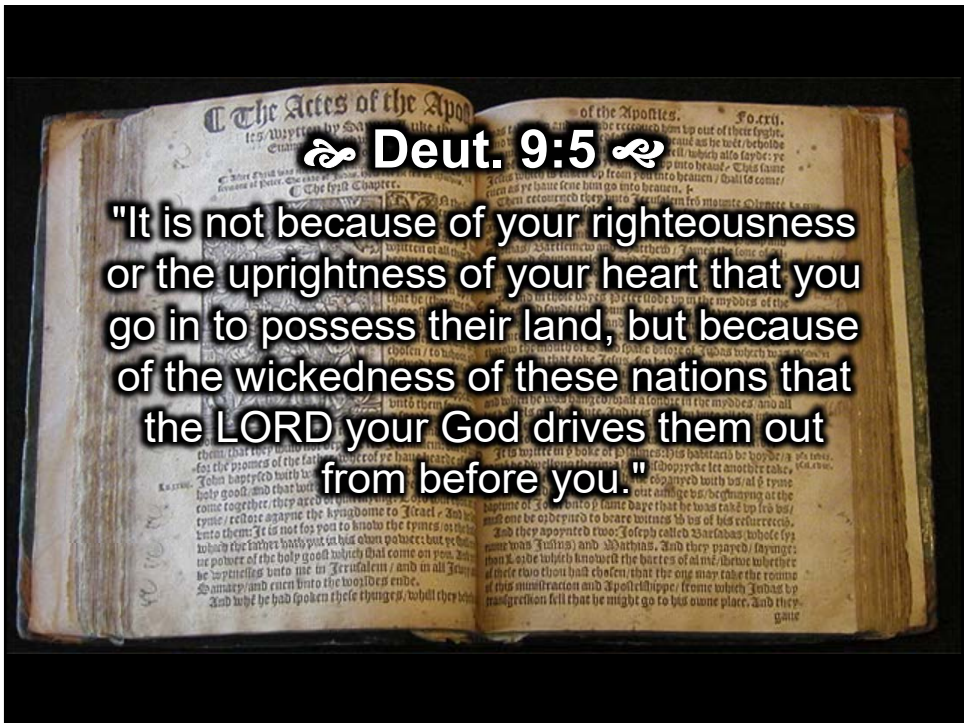
Deut. 9:5

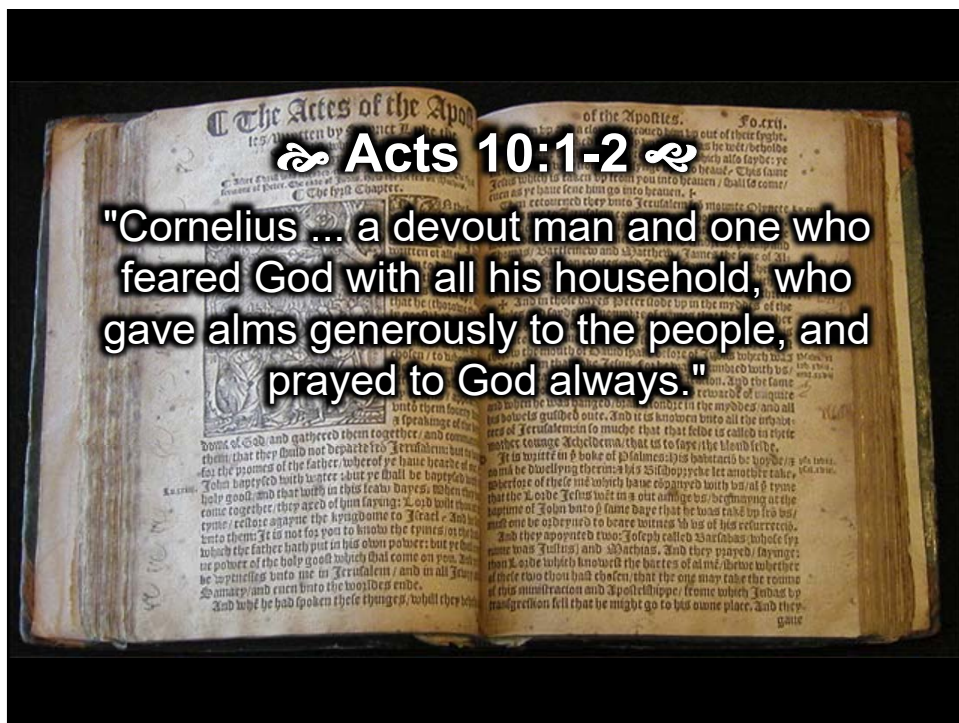
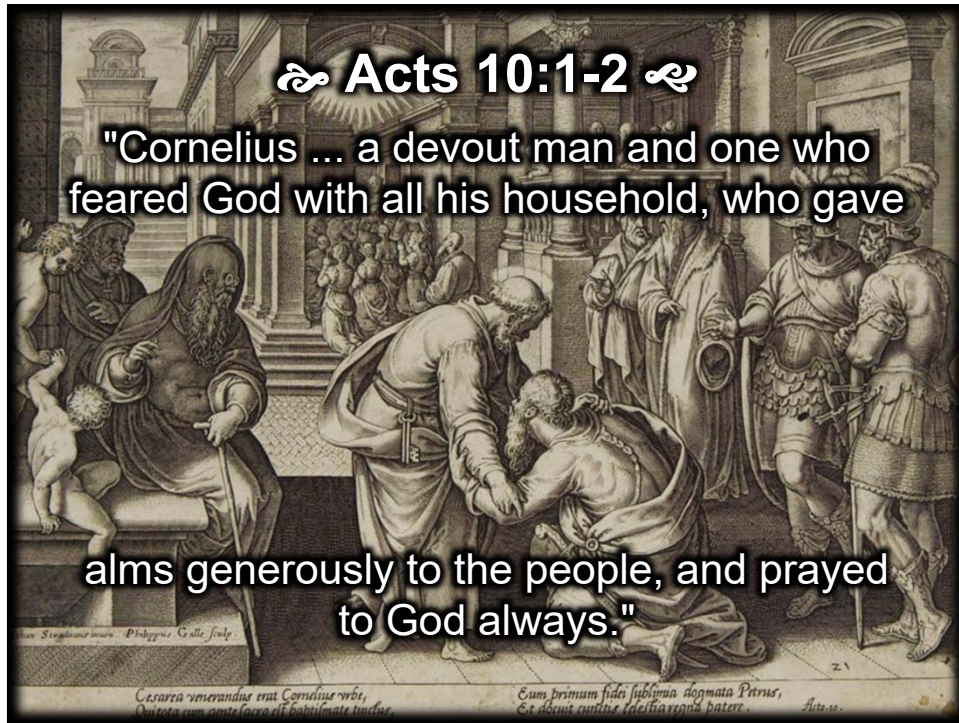
"It is not because of your righteousness or the uprightness of your heart that you go in to possess their land, but because of the wickedness of these nations that the LORD your God drives them out from before you."



Deut. 9:5

"It is not because of your righteousness or the uprightness of your heart that you go in to possess their land, but because of the wickedness of these nations that the LORD your God drives them out from before you."





☞ Acts 14:17 ☞

"[God] did not leave Himself without witness, in that He did good, gave us rain from heaven and fruitful seasons, filling our hearts with food and gladness."



☞ Acts 14:17 ☞

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HUMAN LAW

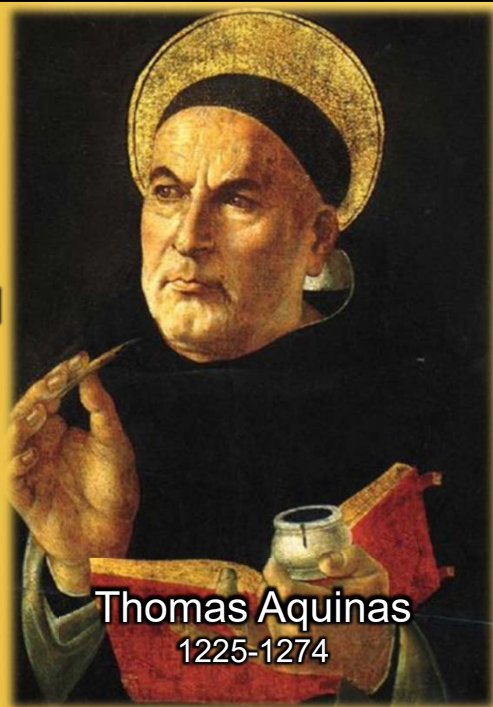
*a particular application of
natural law to local
communities*

imperfect

"Just as, in the speculative reason, from indemonstrable principles, we draw the conclusions of the various sciences, the knowledge of which is not imparted to us by nature, but acquired by the efforts of reason,

"so too it is from the precepts of the natural law, as from general and indemonstrable principles, that the human reason needs to proceed to the more particular determinations of certain matters.

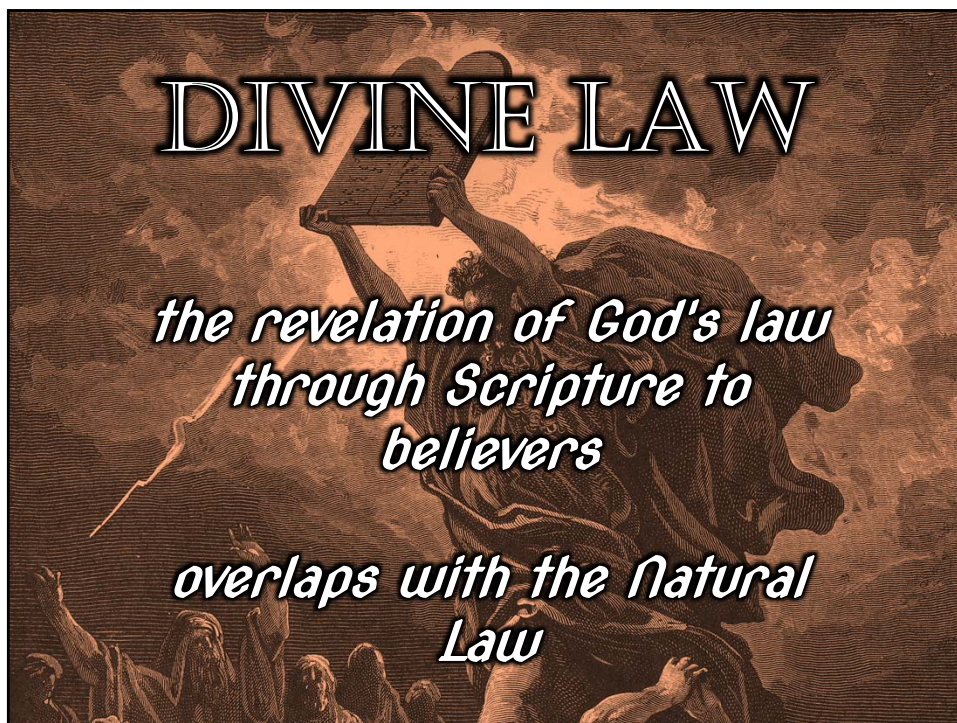
"These particular determinations, devised by human reason, are called human laws, provided the other essential conditions of law be observed."

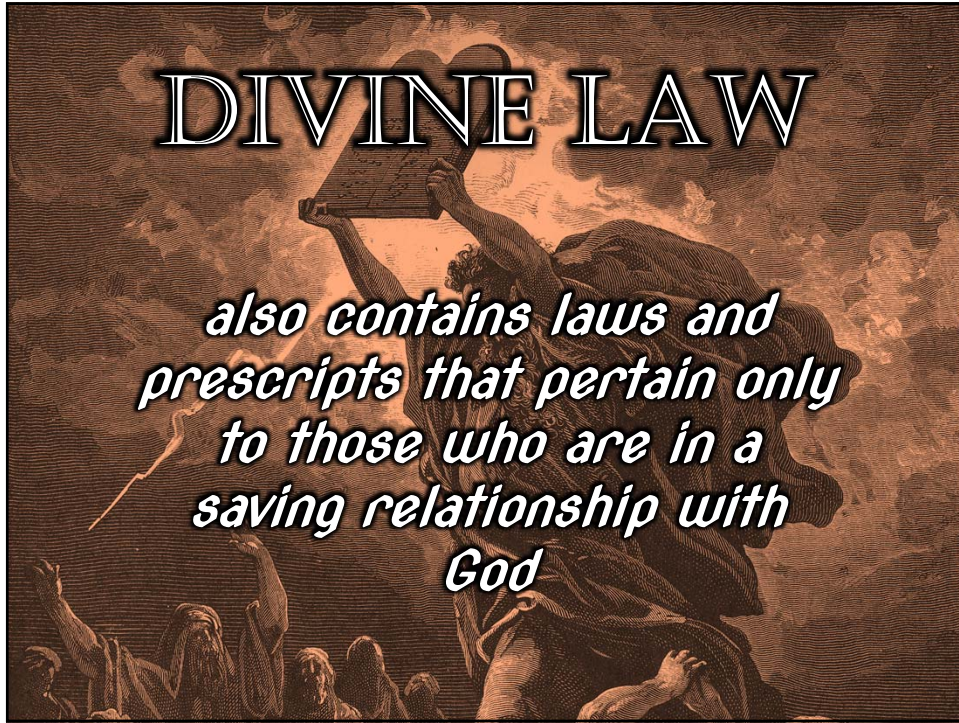


Thomas Aquinas
1225-1274

"The practical reason is concerned with practical matters, which are singular and contingent: but not with necessary things, with which the speculative reason is concerned. Wherefore human laws cannot have that inerrancy that belongs to the demonstrated conclusions of sciences."

(ST HI Q91, Art. 3, ad. 3)





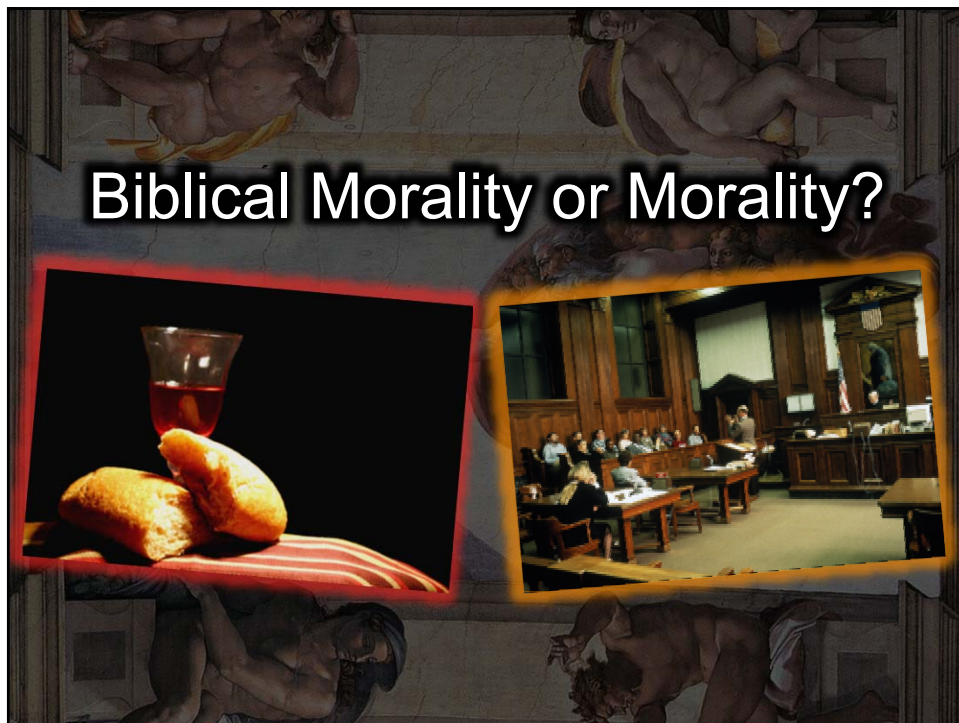
DIVINE LAW

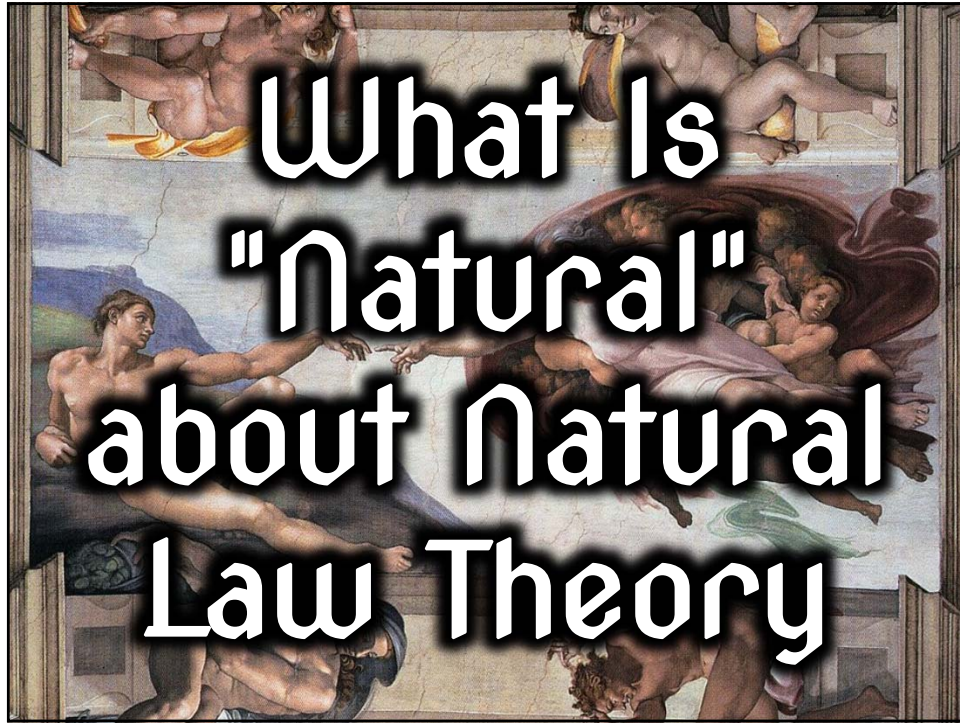
also contains laws and prescripts that pertain only to those who are in a saving relationship with God

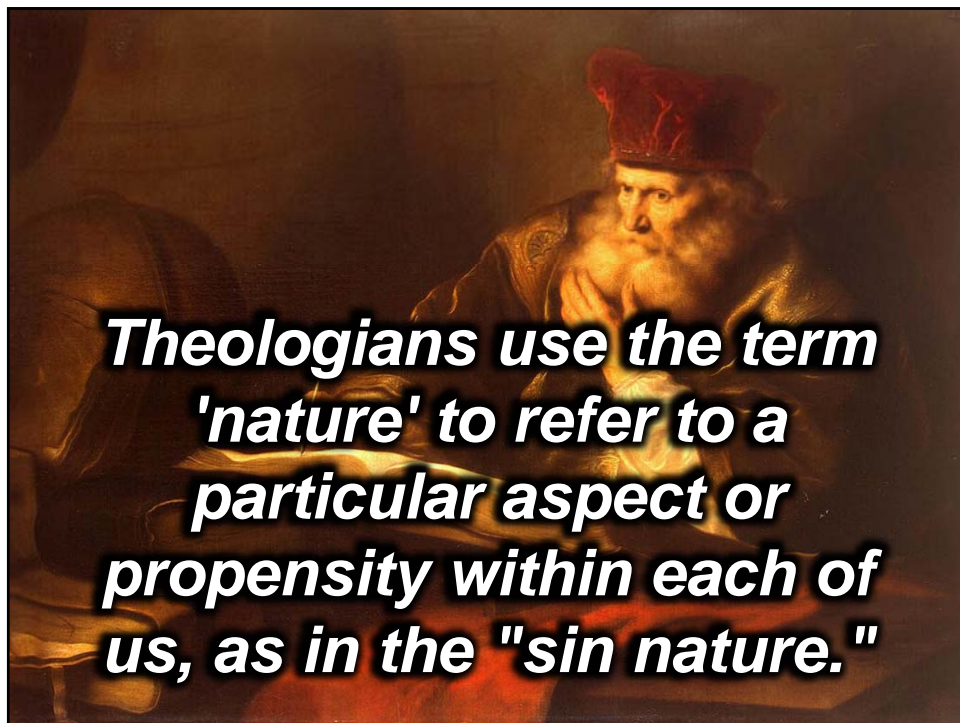
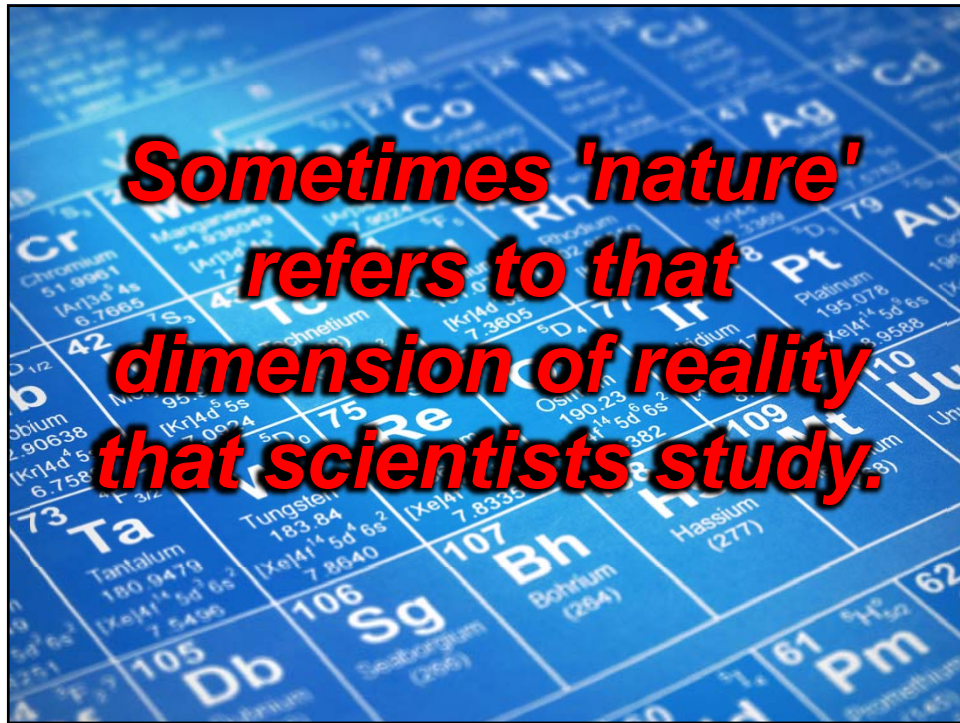
"It was necessary for the directing of human conduct to have a Divine law. ... If man were ordained to no other end than that which is proportionate to his natural faculty, there would be no need for man to have any further direction on the part of his reason, besides the natural law and human law

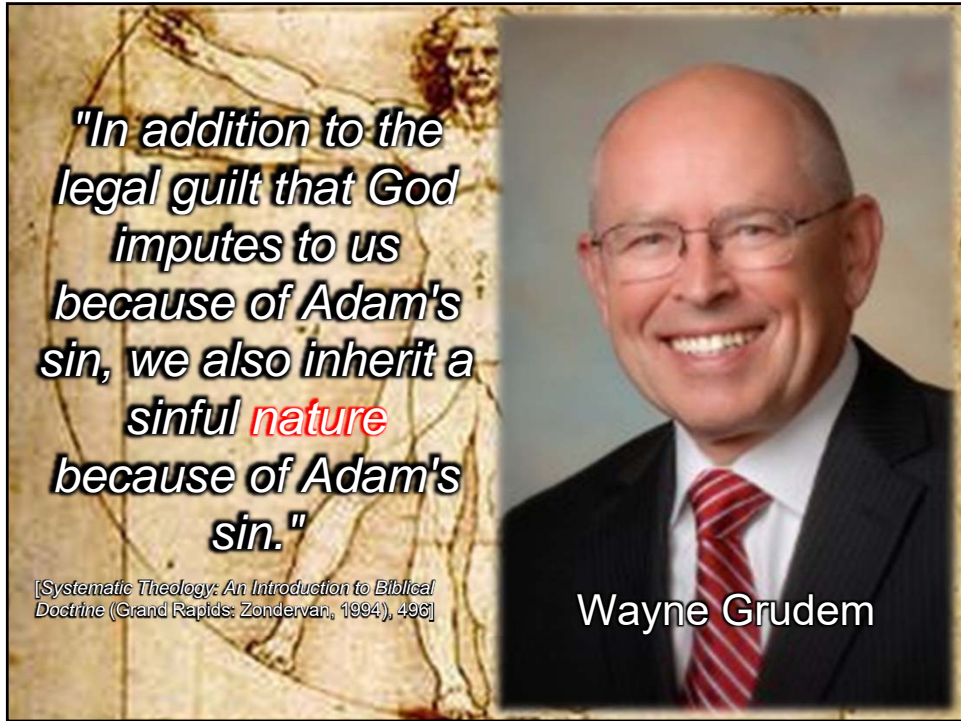
"But since man is ordained to an end of eternal happiness which is inproportionate to man's natural faculty ... it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God."

(ST I-II Q91, Art. 4)





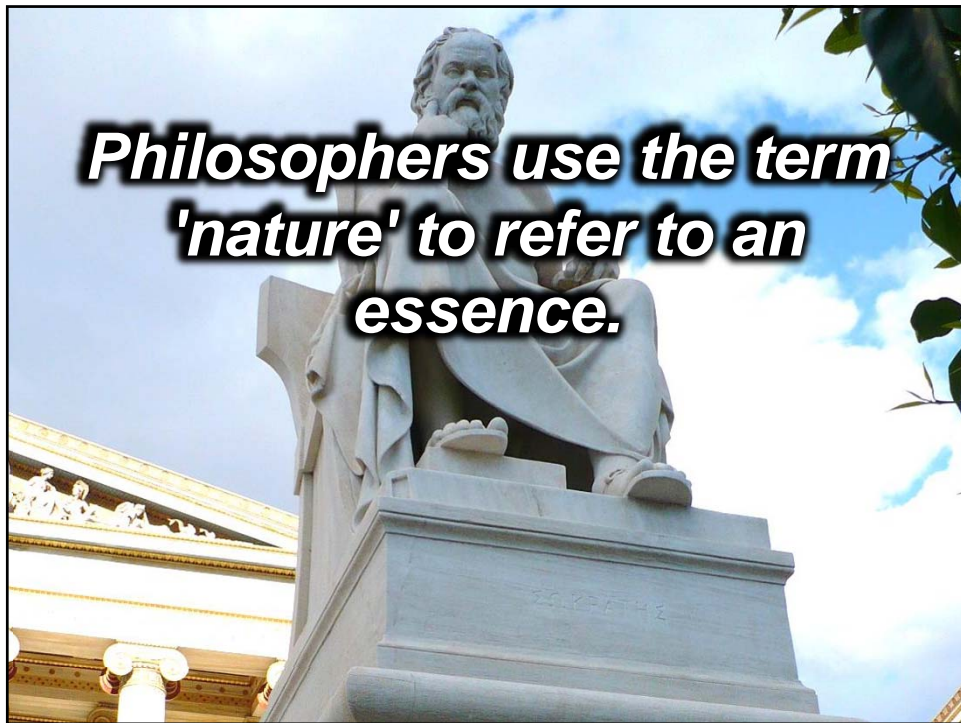




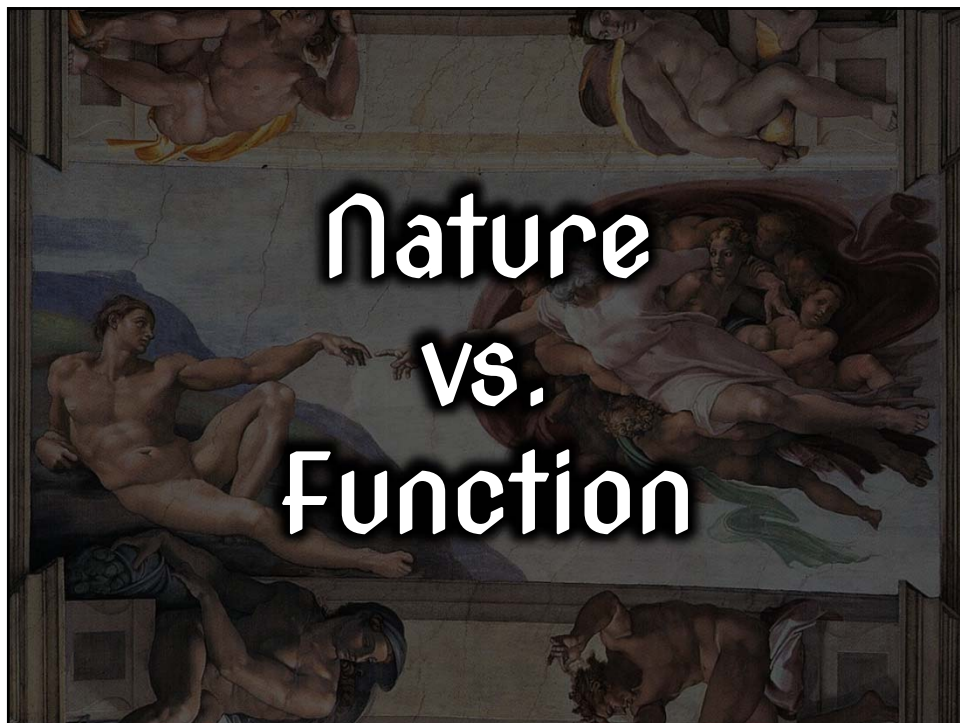
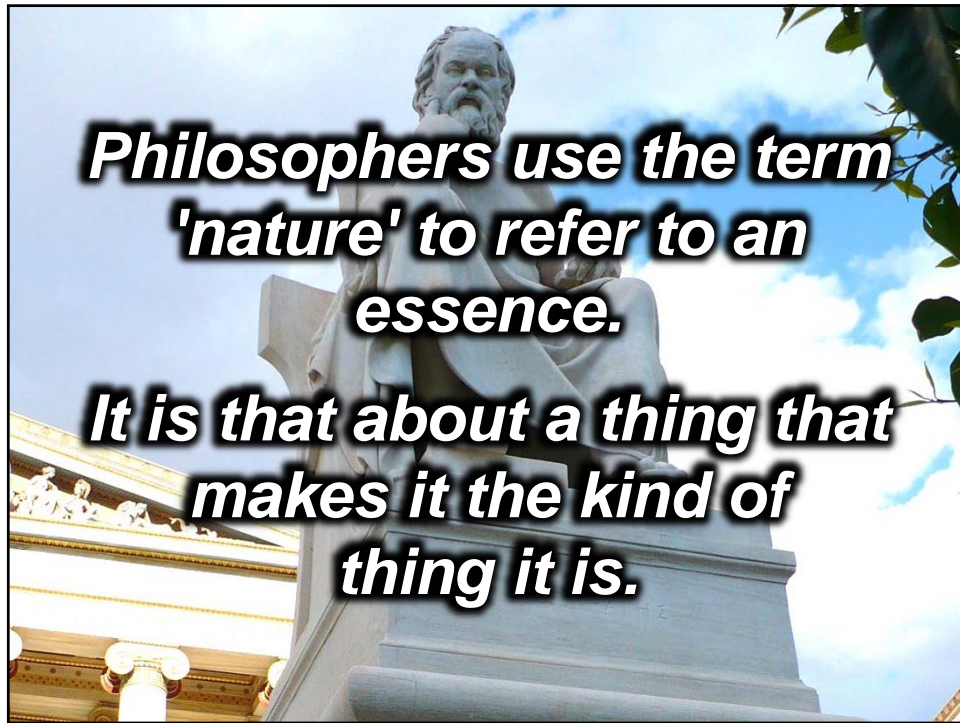
*"In addition to the legal guilt that God imputes to us because of Adam's sin, we also inherit a sinful **nature** because of Adam's sin."*

[Systematic Theology: An Introduction to Biblical Doctrine (Grand Rapids: Zondervan, 1994), 496]

Wayne Grudem



Philosophers use the term 'nature' to refer to an essence.





"It is widely assumed that the analysis and justification of fundamental moral claims can be conducted without reference to at least the more contentious issues of metaphysics.



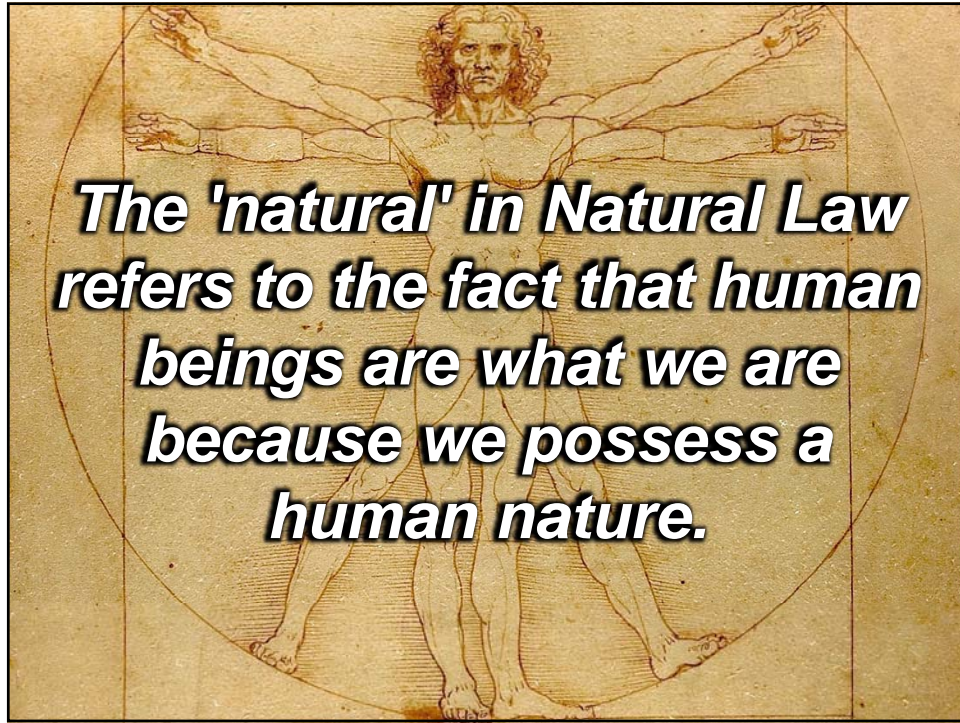
Edward Feser

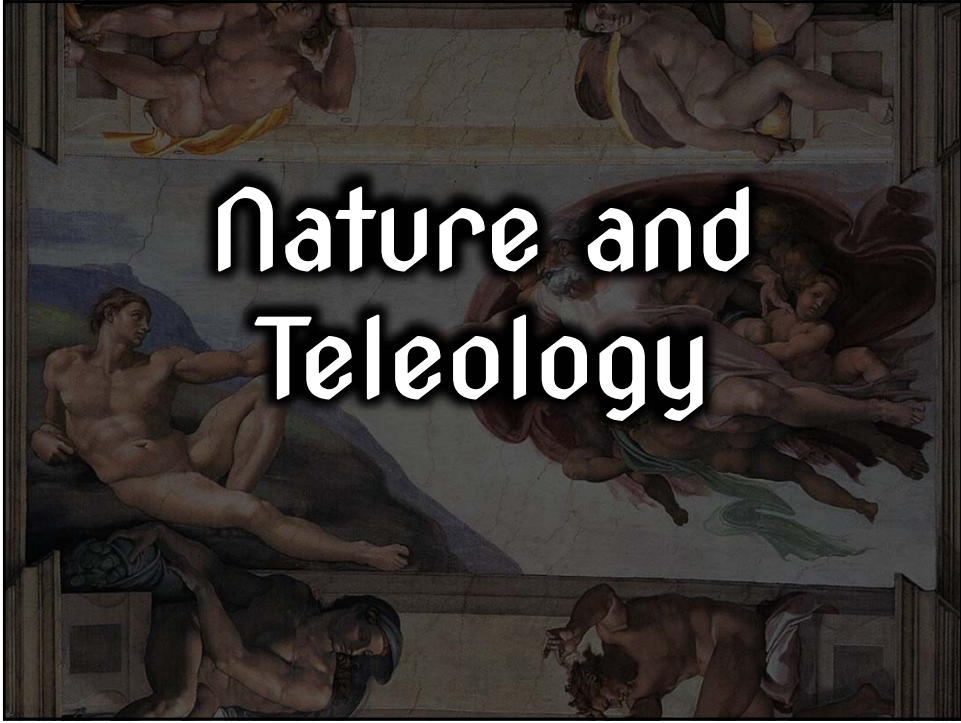
"Nothing could be further from the spirit of Thomas, for whom natural law ... is 'natural' precisely because it derives from human nature, conceived of in Aristotelian essentialist terms."

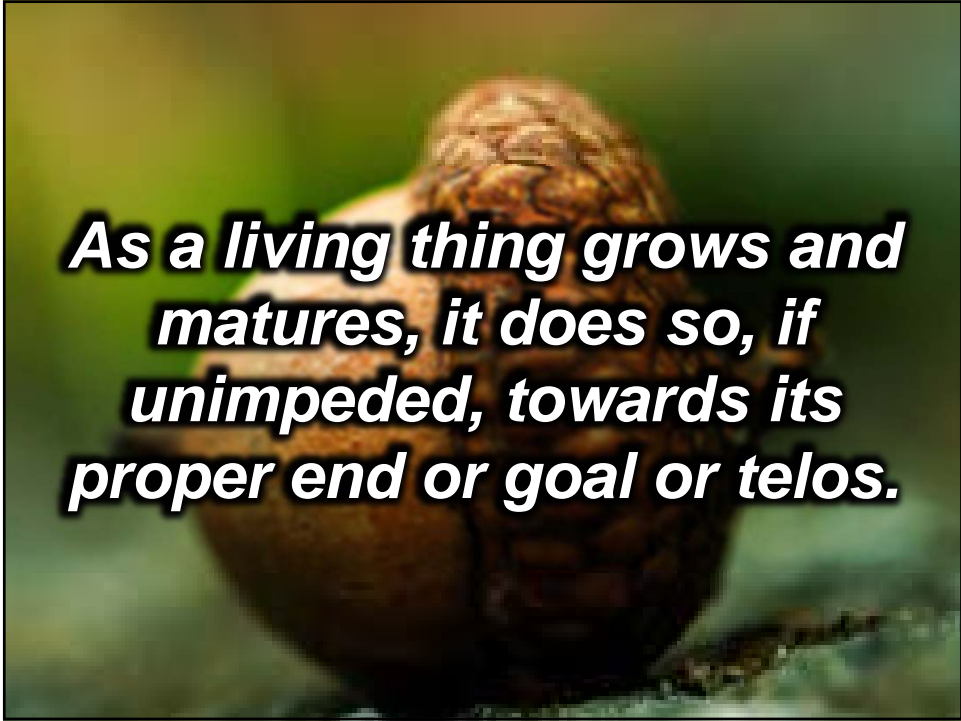


Edward Feser

[*Aquinas: A Beginner's Guide* (Oxford: One World), 174]

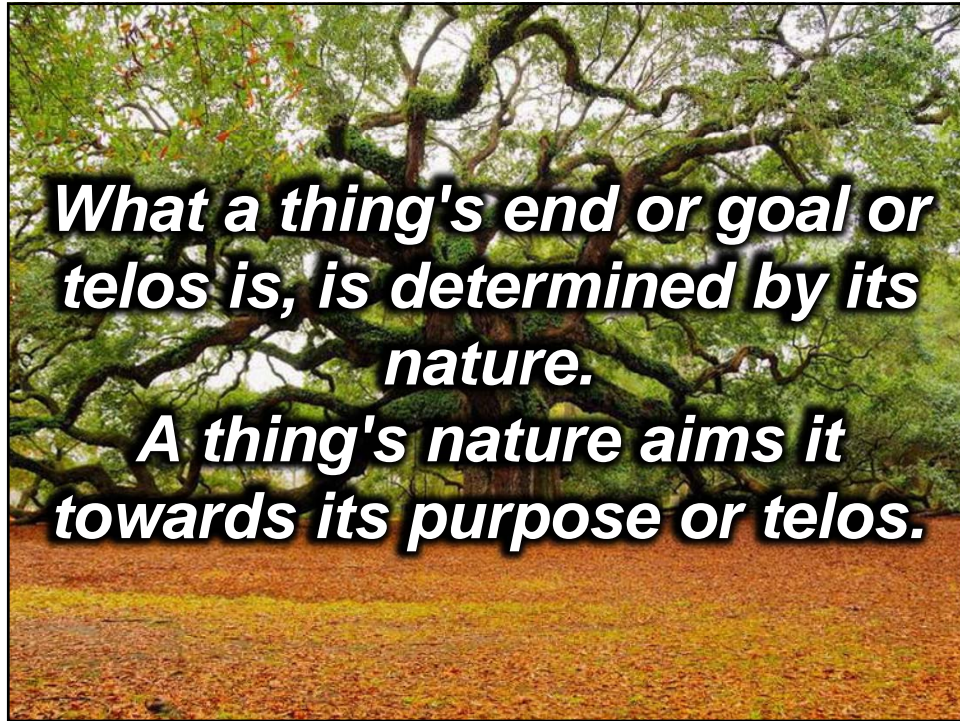






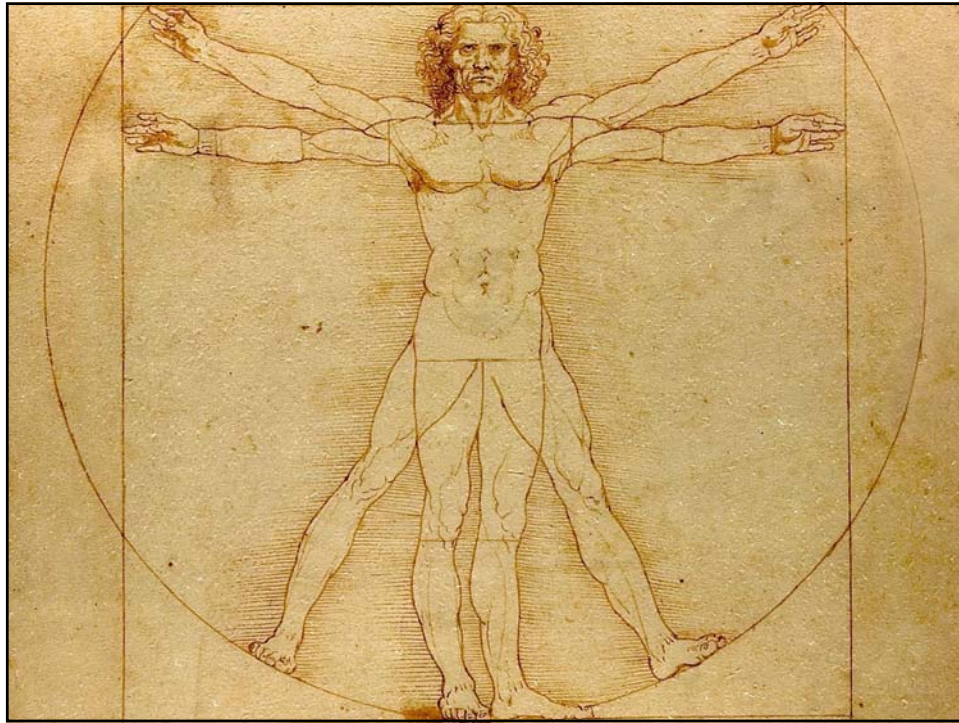
As a living thing grows and matures, it does so, if unimpeded, towards its proper end or goal or telos.





"Whenever things have such a definite nature ... the operation appropriate to a given being is a consequent of that nature. Now, it is obvious that there is a determinate kind of nature for man. Therefore, there must be some operations that are in themselves appropriate for man."

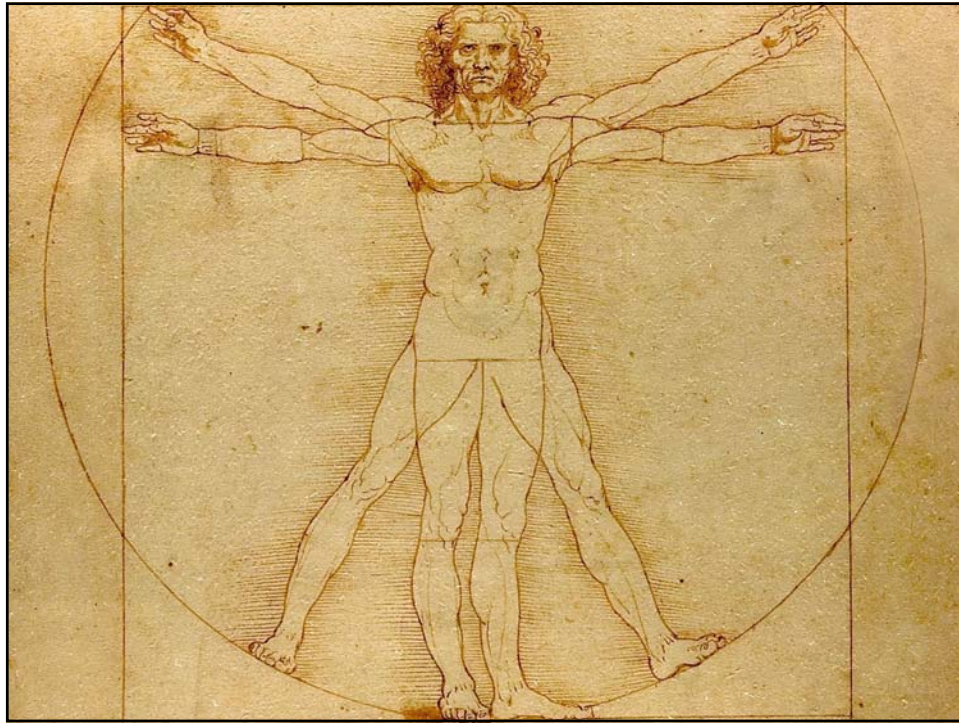
(SCG III, 129 [4])



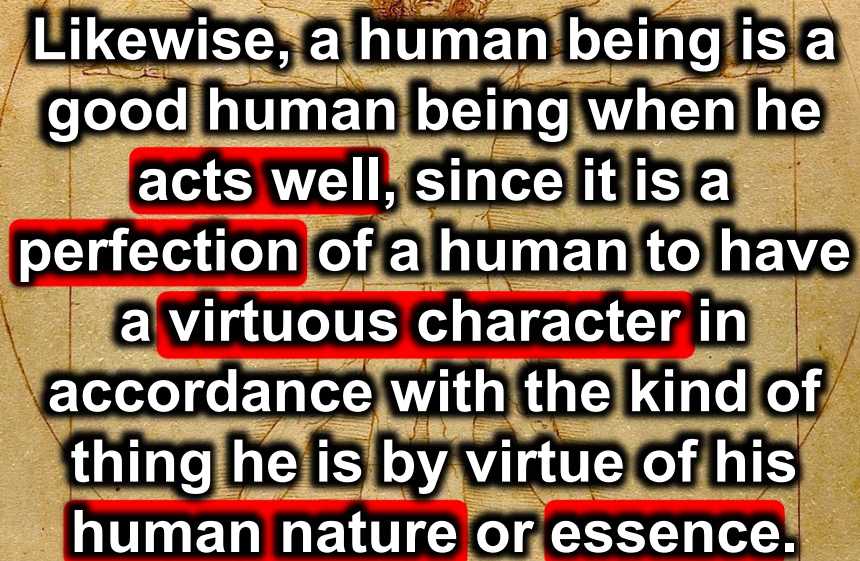
A human being's end, goal, or telos can be understood in terms of different aspects of his single reality, viz., his nutritive, (i.e., physical), his sentient (i.e., consciousness), and his rational. To these Aristotelian categories, the Christian Thomas Aquinas will add the eternal/spiritual aspect.



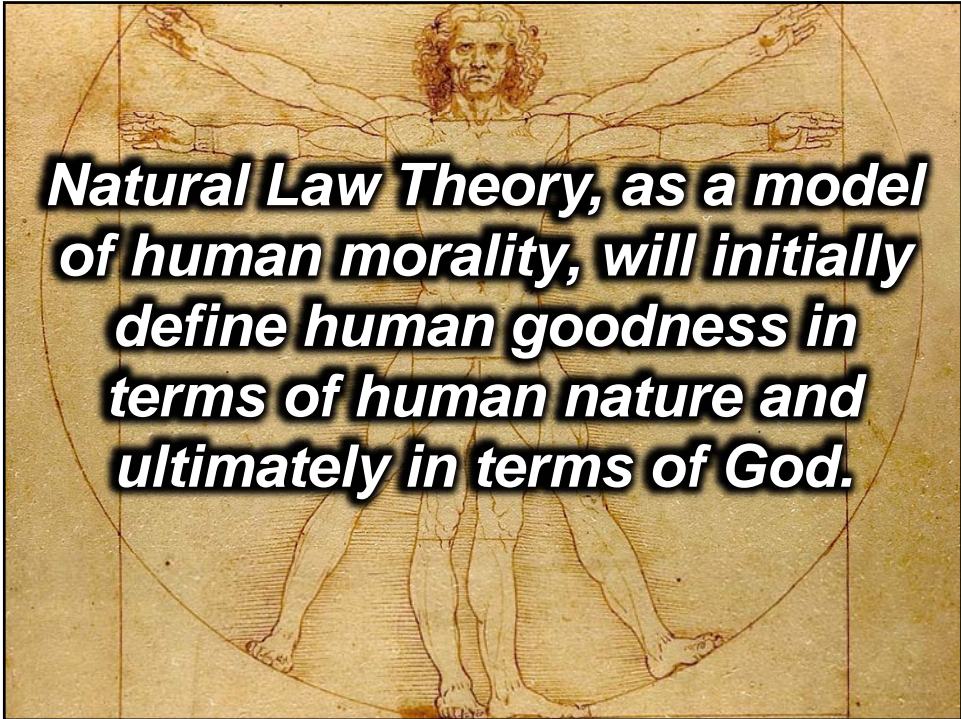




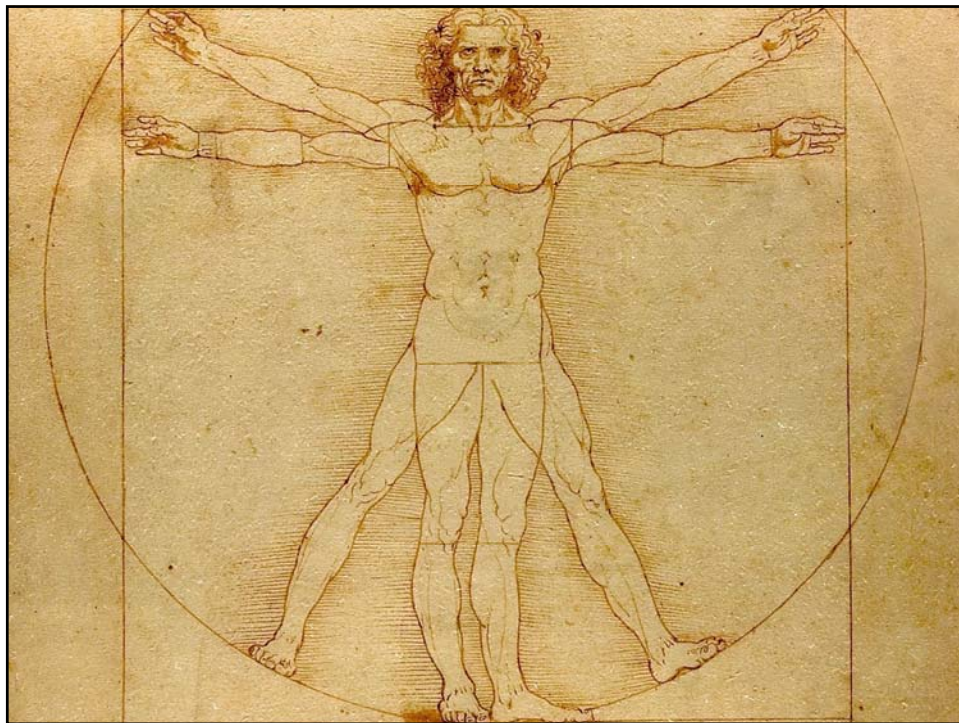
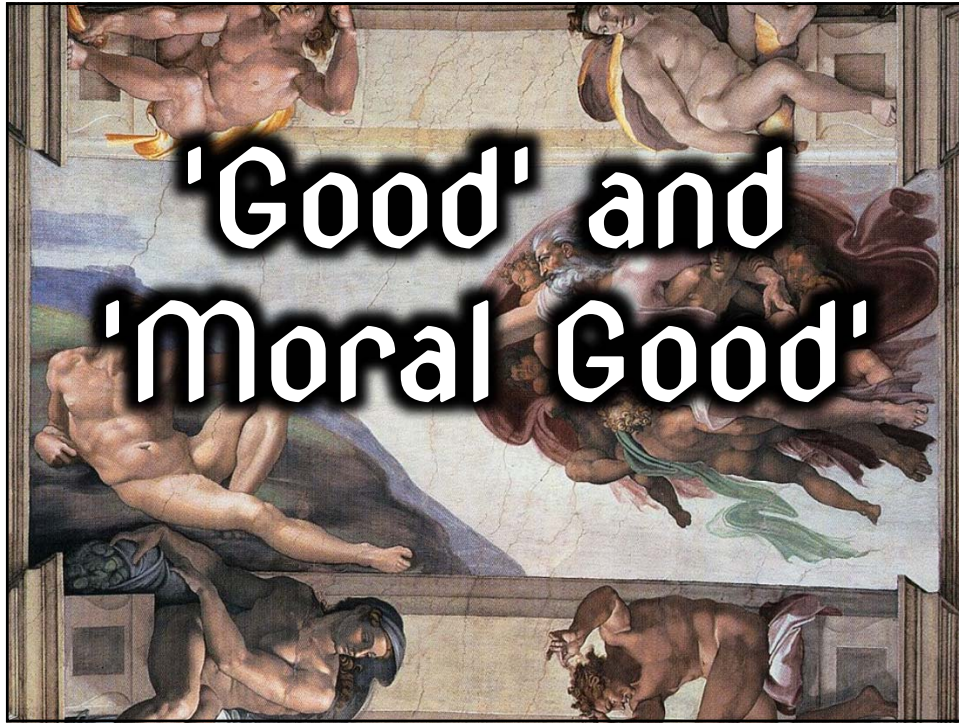
Likewise, a human being is a good human being when he acts well, since it is a perfection of a human to have a virtuous character in accordance with the kind of thing he is by virtue of his human nature or essence.

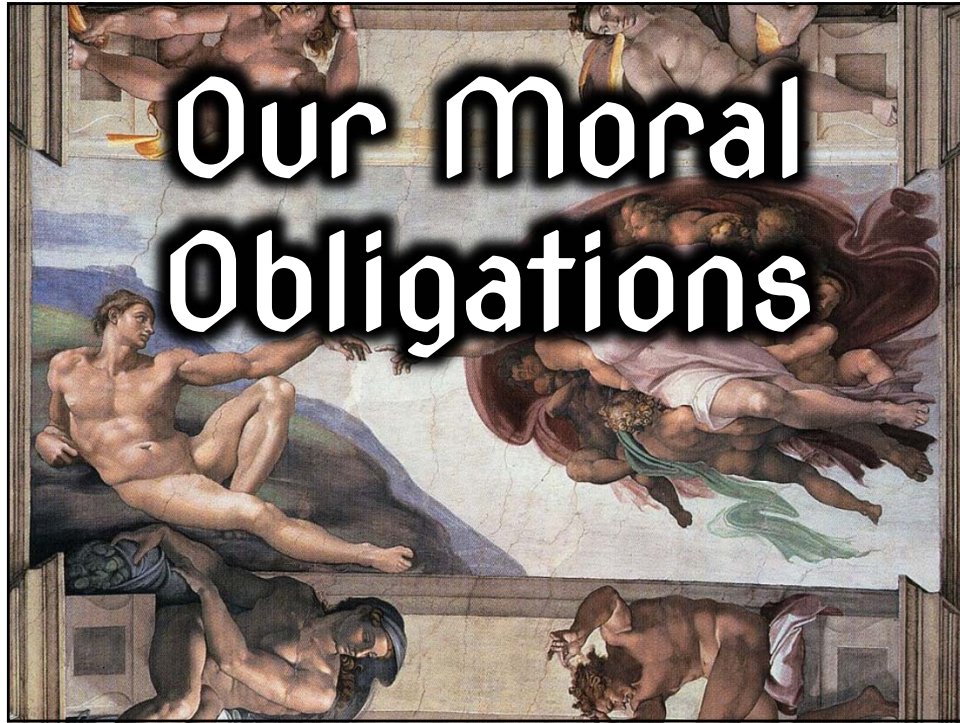
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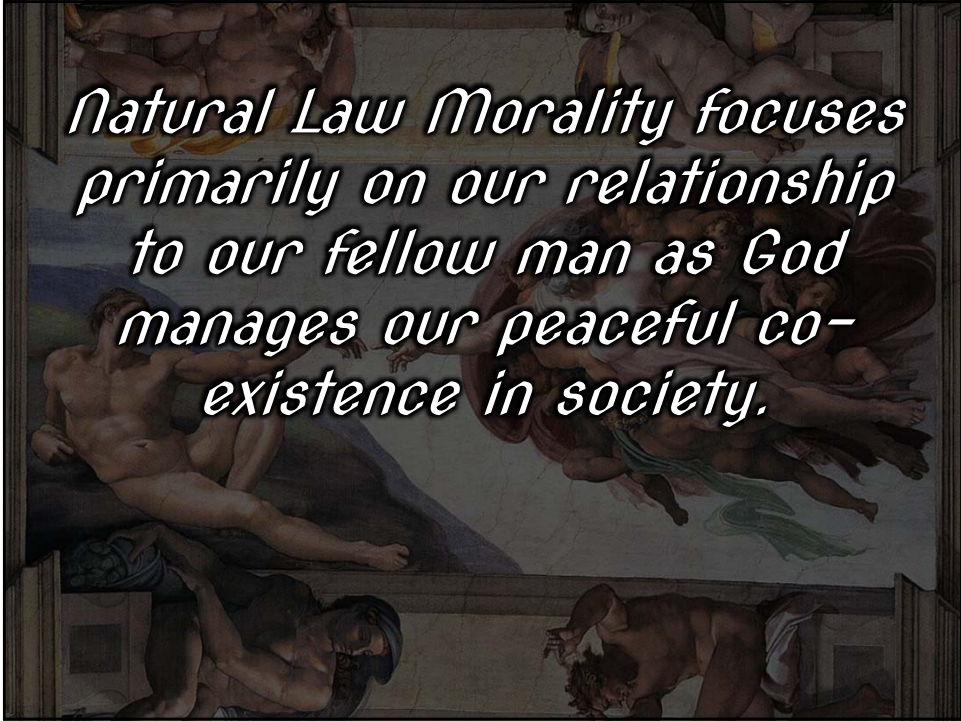
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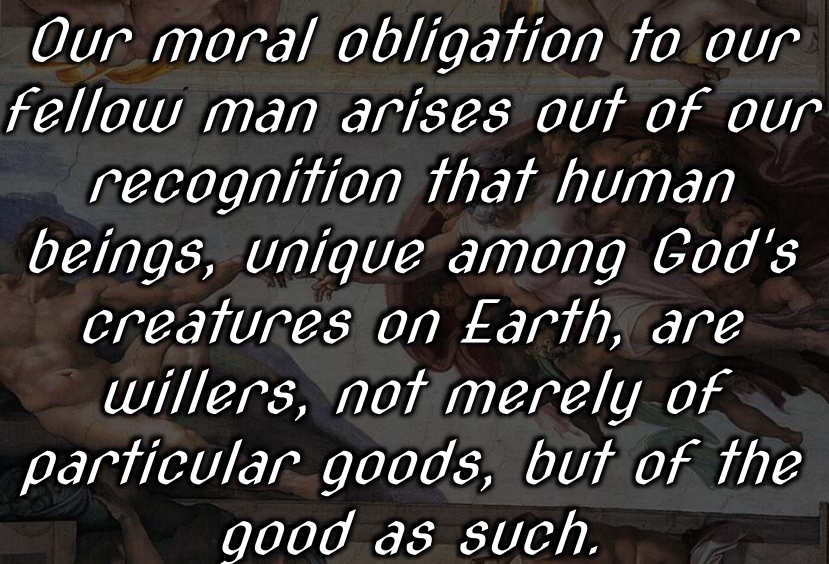
Natural Law Theory, as a model of human morality, will initially define human goodness in terms of human nature and ultimately in terms of God.



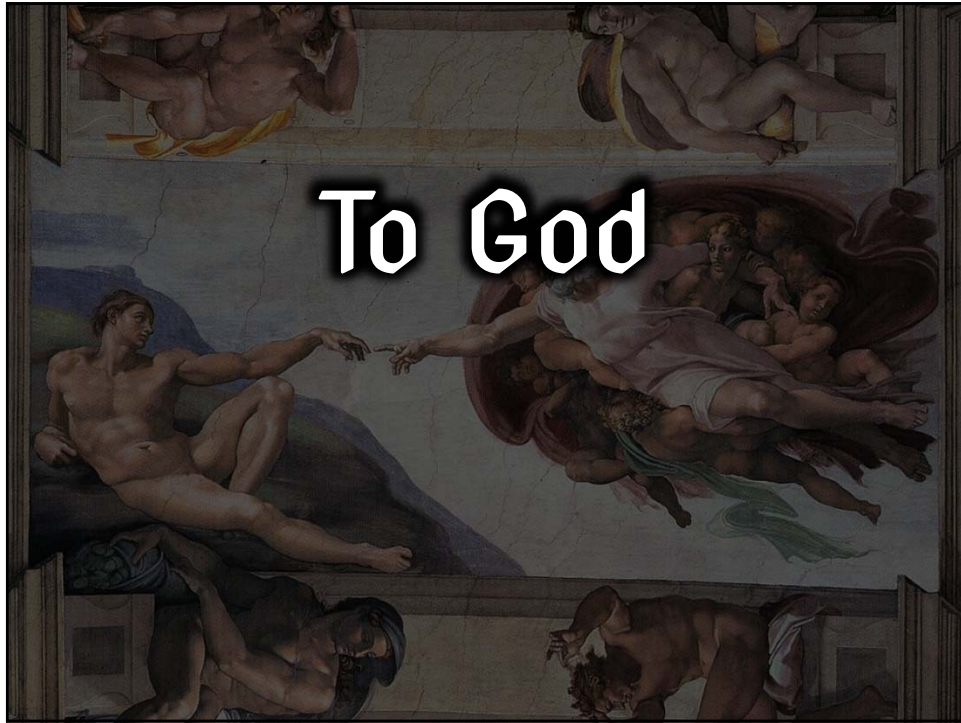


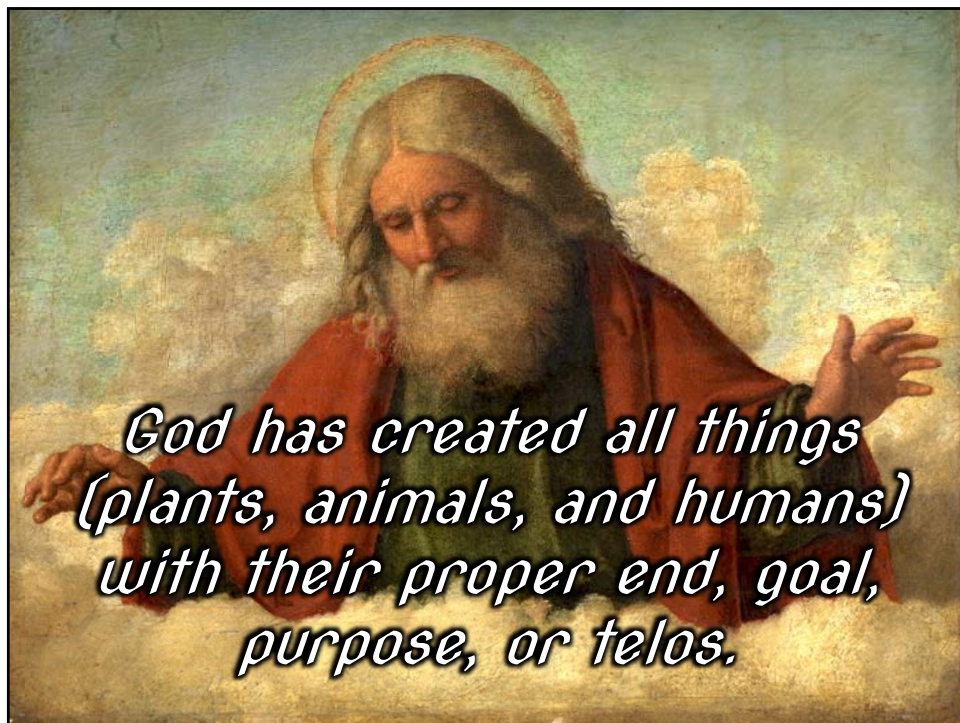
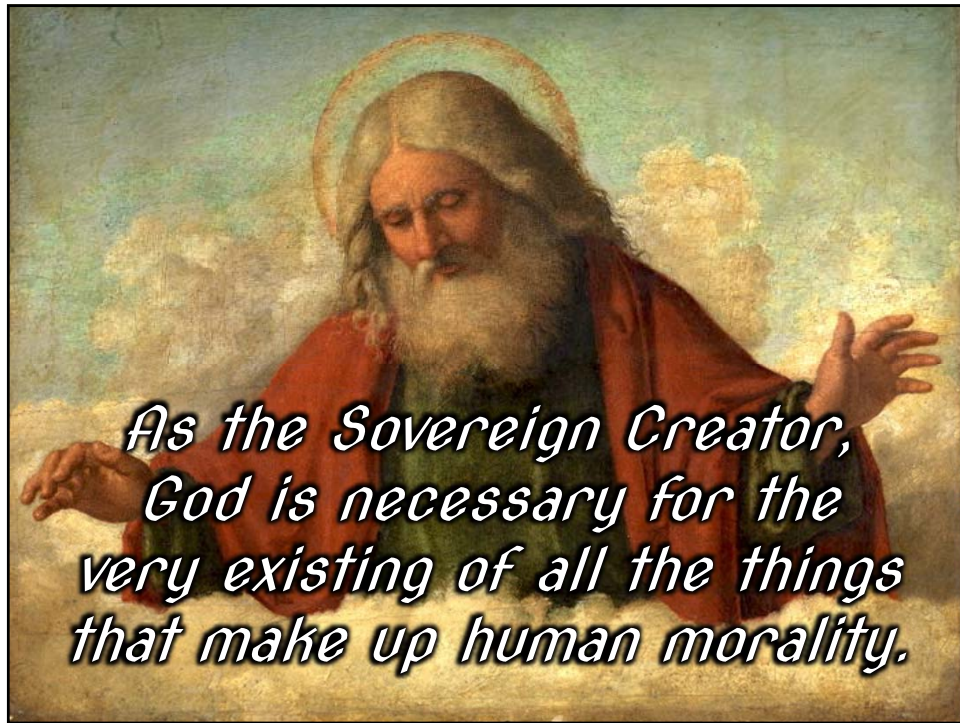


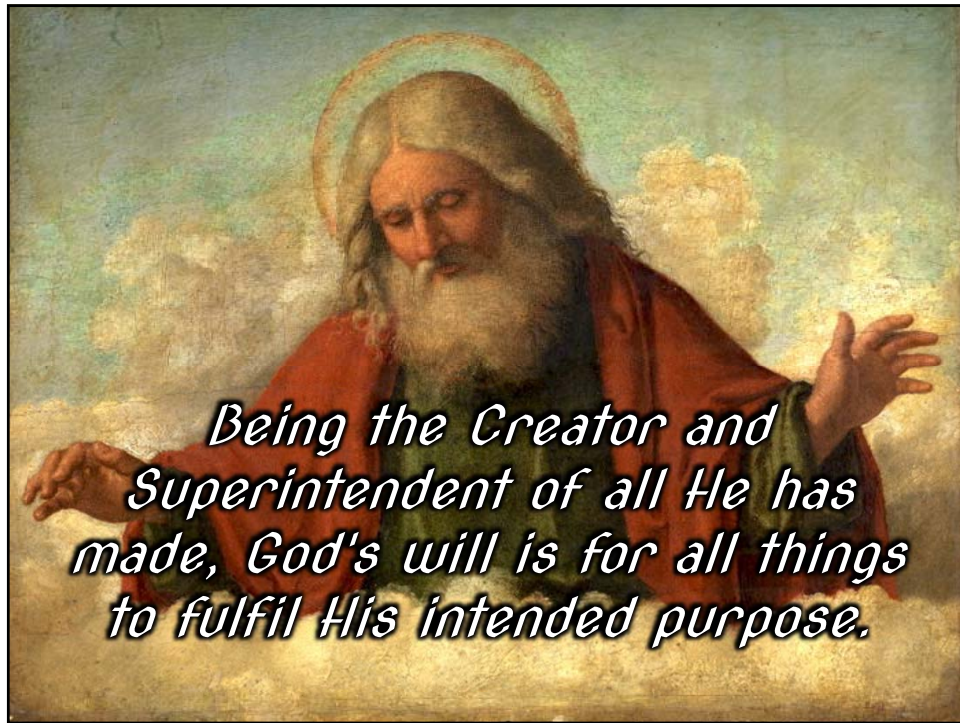
Natural Law Morality focuses primarily on our relationship to our fellow man as God manages our peaceful co-existence in society.

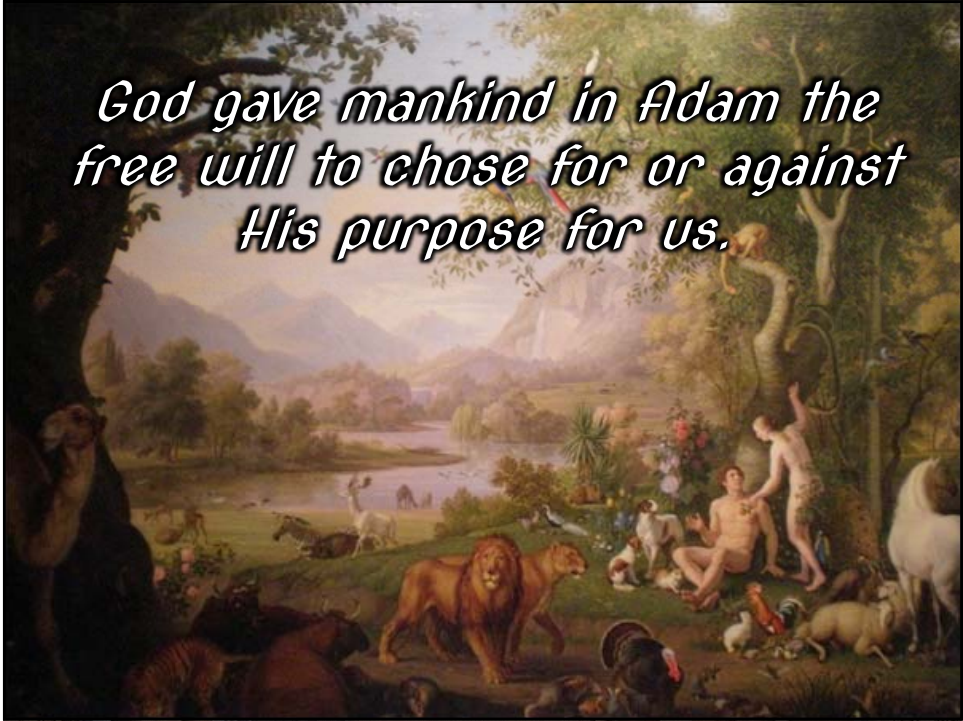


Our moral obligation to our fellow man arises out of our recognition that human beings, unique among God's creatures on Earth, are willers, not merely of particular goods, but of the good as such.

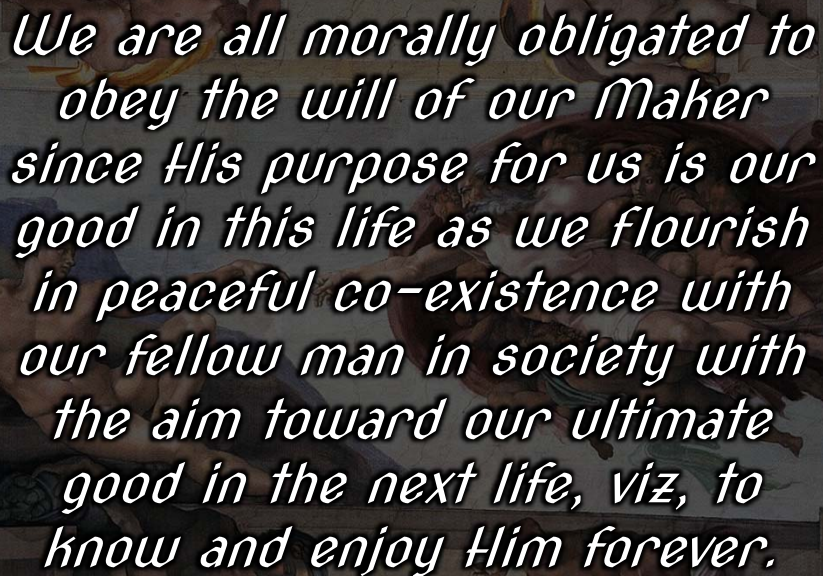








*God gave mankind in Adam the
free will to chose for or against
His purpose for us.*



*We are all morally obligated to
obey the will of our Maker
since His purpose for us is our
good in this life as we flourish
in peaceful co-existence with
our fellow man in society with
the aim toward our ultimate
good in the next life, viz, to
know and enjoy Him forever.*

We are all morally obligated to obey the will of our Maker since His purpose for us is:

our proximate good in this life as we flourish in peaceful co-existence with our fellow man in society.

our ultimate good in the next life as we rest in blessedness knowing and enjoying Him forever in Heaven.



