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Romans 2:14-16, Natural Law, and the Naturalist Fallacy

PART I: Romans 2:14-16

“When Gentiles who have not the law do by nature (physei) what the law requires, they are a law to themselves, even though they do not have the law. They show that what the law requires is written on their hearts, while their conscience (syneidesis) also bears witness and their conflicting thoughts accuse or perhaps excuse them on that day when, according to my gospel, God judges the secrets of men by Christ Jesus.” (RSV)

Point 1: Here we see the basic elements that characterize the later development of the natural law doctrine: (a) nature, (b) conscience, (c) a provident deity, (d) a legal correlate to the Mosaic law.

Point 2: This passage from Romans is very unique. There is no real correlate to it anywhere else in the Bible or in philosophic literature. The Bible does not really speak about nature. In general, ancient philosophy did not link nature to law or conscience, although interpreting Stoicism with respect to nature, law, and conscience presents special problems.

Point 3: Beginning with Augustine, Christians have developed two interpretations of the passage. Speaking broadly, one of these gained popularity within Roman Catholicism and the other within Protestantism.

PART II: Natural Law

Point 1: Thomas Aquinas developed and expanded natural law teaching, especially with respect to the two basic elements of (a) nature and (b) conscience.

Point 2: Presumably natural law thinking became predominant in some Christian circles because it is, in theory, a basis for morality on which Christians and non-Christians might agree.

PART III: The Naturalist Fallacy

Point 1: The naturalist fallacy objects that all understandings of the moral life than move from nature to moral obligation involve arguments that move from premises that are “is” statements to conclusions that are “ought” statements. All such arguments are therefore fallacious.

Point 2: This objection may prove decisive with respect to empirically-based arguments that

move from nature to obligation, such as those advanced by Hobbes or by social Darwinians.

Point 3: It is less clear that the naturalist fallacy tells against teleologically-based arguments that move from nature to obligation, such as those advanced by Plato, Aristotle, or Christians natural law thinkers.

Point 4: One contemporary group of natural law thinkers, represented especially by Finnis, Grisez, and Boyle, are particularly concerned about the force of the naturalist fallacy objection and as a result interpret Thomistic natural law theory in a way that distorts Thomas's teaching.

PART IV: Conclusion and A Possible Solution

Point 1: In a way, Kant anticipated the objection of the naturalist fallacy by arguing that the study of human nature could never yield a conclusion that was a categorical imperative. Kant admitted, though, that the study of human nature could yield hypothetical imperatives.

Point 2: If traditional natural law teaching is interpreted in terms of hypothetical imperatives, then the naturalist fallacy objection is irrelevant.