Bernard Hoose and Richard McCormick have developed natural moral law in recent years in order to simplify it so that it is more applicable in the 21st century. They proposed the idea of Proportionalism which suggests that natural moral law is not just a strict set of absolute laws but a system of guidelines for us to use and navigate ourselves. Hoose said “it is never right to go against a principle unless there is a proportionate reason which would justify it.” Proportionalism can be used to justify an action such as not treating a terminally ill person because the treatment being suggested may cause more pain for the person as a result and the pain would be disproportionate to the outcome of the treatment not going ahead.

Evaluate the view that Natural Moral Law fails to be a practical theory in the 21st century

Christians, in particular Roman Catholics, still value Natural Moral Law and use it for guidance because it is an example of absolute morality and provides a set of clear cut rules. There is no need to look at each individual situation because it is unchanging and universal. It is also made accessible by our reason and it makes God’s reason accessible to a believer because humans and God share rationality. It is “accessible to all men” and therefore crosses the barriers of pluralism. Catholic teaching on sexual ethics arrived from using natural moral law and these teachings are enforced by the Pope today. Therefore they would disagree that Natural Moral Law fails to be a practical theory in the 21st century because they still use it for guidance today. It attempts to establish a law which can be accessed by all and was the foundation for human rights. Many find it an attractive in a relativist era suffering a breakdown of traditional social structures and moral certainty.

However in a modern society where many people are no longer religious and do not dedicate their life to God, natural moral law does fail to be a practical theory because we do not have a purpose in life to achieve union with God. Aquinas made an assumption that God created the world for a purpose however many people would reject this premise in the 21st century. Richard Dawkins claims that the universe is ‘brute fact’ and doesn’t have a reason or purpose but came about by chance. Therefore there is no fundamental purpose to our lives.  There are also many other religions other than Christianity and many people worship other deities such as Allah and Buddha but Aquinas assumes our final cause is to achieve communion with God. As Jean-Paul Sartre said ‘man creates his own values and determines a meaning to his life, for in the beginning the human being does not possess any identity or value’, there is no need for a God to give us a purpose in life. Even if we do have a purpose we have no way of knowing exactly what that purpose is and whether we should judge it according to nature.

Adding to this point, Aquinas also assumed that every individual has a particular function to fulfil and a specific purpose however this goes against the thinking in the 21st century that we recognise the variety of functions that people can fulfil. His understanding on human purposes is also limited as he claims there are only 5 primary precepts which we should live by, but there are many individuals who do not these precepts but still live a moral and fulfilling life. For example; a women may choose to achieve success in her work rather than become a mother and reproduce and not follow this primary precept. Her life is surely not more immoral? This shows that the theory fails to be practical when there are specific moral injunctions which conflict with the more general principles. There are no guidelines for judging these situations except by advising the use of reason.

It is assumed that the theory is accessible to all because we have the ability to reason however is not the case for those who are mentally disabled. These people would be held accountable for their immoral acts according to the theory however this does not seem fair or justified. Therefore this is a clear weakness of the theory.

It fails to be a practical theory in the 21st century because since the proposal of natural moral law by Aquinas, ideas about what is natural have changed due to cultural changes between generations. In society we define what is morally right and natural according to what is culturally acceptable. For example in the past it was not natural to be homosexual or for women and men to be considered as equals however society has changed their views. This highlights that there is not one common universal moral law for mankind. With such an absolute theory which is inflexible it is hard to apply in modern society with its frequent changes and developments. Kai Nelson supports this criticism as he says ‘there is no such thing as an essential human nature which makes a man a man.’ He cites the example of the Inuit community who believe it is acceptable to kill an elderly member of the community if they know they will not survive the winter.

Another criticism which makes the theory impractical is the point that it is a Naturalistic Fallacy. This is also known as the IS/Ought Gap. Hume argued that you can not go from an objective and descriptive statement, e.g. Sexual activity is the means by which humans reproduce, to a prescriptive statement, e.g. People ought to engage in sexual activity only for that purpose. Hume wrote about the ‘illogical copulations of propositions’ used in ethical statements. This is based on the idea that our observation of what people are like or what is ‘naturally good’ gives a clear indication of how people ought to behave. Yet we could say that cancer is natural, but should we allow cancer to kill us naturally? This is challenged in the 21st century as people have become more independent minded and it is not logically legitimate to take the fact of our human nature and derive from it the values that determine human conduct.

Some of these criticisms are combated with the use of Proportionalism in the 21st century which provides a reason to justify going against natural moral law. However many believe this is not practical because it in no longer an absolute and immutable theory but becomes closer to Situation ethics. The doctrine of double effect and casuistry are also often seen as a way of introducing exceptions to the rules. The leniency which Aquinas applies with the idea of real and apparent goods many allow people to unintentionally commit evil acts because they can justify an act by a good intention because they do not need to consider the consequences of their actions. This shows serious flaws in the practicality of the theory in the 21st century and could potentially justify Hitler’s actions of killing the Jews because he strove for the apparent good of ethnic cleansing.

Overall it is really ‘a threshold of your own conviction and a matter of personal taste’ as Paul Davies said, as to whether you accept the practicality of this principle in the 21st century. It is still practical for many Roman Catholics and provides a definite theory which can be applied universally, however in my opinion it is far too impersonal and impractical when dealing with situations of complexity such as those which we see in the modern world and 21st century, including Euthanasia, Abortion and homosexuality therefore I agree with Bertrand Russell who argues that the theory “appeals to the respectable middle class.” These have conflicting precepts which make them difficult to determine with an absolutist theory. Personally I prefer the relativist stance which takes each individual situation into account and is more personable and flexible which allows the cultural diversity which we see in the world today.  I would agree with Kai Neilson that “the idea of human natural is a culturally constructed concept, not a scientific one.”