

A BOOK REPORT

“50 QUESTIONS ON THE NATURAL LAW/What It Is & Why We Need It”

Name/Title Of Book: “50 Questions On The Natural Law/What It Is & Why We Need It” (1999 Revised Edition).

Author: Charles E. Rice, A Professor of “The Jurisprudence of Saint Thomas Aquinas” for 30 years at Notre Dame Law School.

Publisher and Publication Date: The Publisher is Ignatius Press of San Francisco, Ca.. The Book was first published in 1993, and was re-published in 1995, and was then revised and published in its revised edition, the one reviewed here, in 1999.

General Format Of The Book: As stated above, the Author of this book has, for over 30 years, been a professor at Notre Dame Law School. He has been “a professor of the jurisprudence of Saint Thomas Aquinas” (1225-1274), who is credited with the “philosophical achievement of integrating Christian Theology and Greek, or perhaps better, Aristotelian philosophy” and who was indebted to Saint Augustine (354-430), who integrated legal philosophy and theology and “who insisted that ‘theological Christian considerations not only permeate the whole of law and legal theory, but in fact constitute the only sound foundation of true law and jurisprudence.’” At least one of the primary focuses of the Author was to contrast the legal jurisprudence of Saint Thomas which was grounded on “Natural Law”, and which was grounded on a “fixed standard” for the conduct of men established by the plan of the Creator as seen in revelation as well as through reason, with the philosophy and jurisprudence of the Enlightenment, which the author urges have been the general philosophy and jurisprudence of the United States for centuries. In order to achieve this contrast the Author, in this book, sets forth 50 questions about the Natural Law, and the philosophy and jurisprudence of Saint Thomas which have been raised over many years by the Author’s law students at Notre Dame Law School. He then responds to these questions. The Reader must keep in mind the fact that the Author is a Catholic, who teaches in the Law School of a Catholic University, Notre Dame. Therefore, in addition to the Author’s efforts to contrast the Natural Law philosophy and jurisprudence of Saint Thomas with those of the Enlightenment, the Author also examines the teachings of the Magisterium of the Roman Catholic Church, meaning the Pope or the Pope and Sacred Congregation of the Holy See, with this Magisterium being, in the author’s and Catholic view “the indispensable, authoritative interpreter of the meaning of the natural law on specific issues” of morals and ethics. So the book is broken down into a Fifty Question and Answer (extensive answers) format, with:

-Questions and Answers 1-34 deal with the Natural Law, what is it, and why is it important, and, specifically, how do the philosophy and jurisprudence of Saint Thomas Aquinas, which are grounded in Natural Law, contrast with the philosophies and jurisprudence of the Enlightenment. (So, if you want to know what the Natural Law is, how it has been described and defined and applied, look at Questions 1-34 and the Answers thereto.)

-Questions and Answers 35-49 deal with the “authoritative, and the author would hold infallible teachings” of the Catholic Magisterium on a number of moral and ethical issues, as stated in various Papal and Magisterium edicts. (Note: With respects to our Author and the Roman Catholic Faith, and its followers, I cannot accept (and, since most readers of this Review are probably not Catholics the Reader probably cannot accept) the Author’s assertion that the Pope, the Vicar of Christ and the Magisterium are infallible and totally authoritative when it comes to issues of the interpretation and application of the Natural Law and Revelation (and particularly of the person of Jesus Christ) as applied to issues of morality and ethics. I cannot help but note that many of the writings quoted by the Author are those of Pope Emeritus, Benedict, who was formerly Arch-Bishop, Cardinal Joseph Ratzinger. Cardinal Ratzinger, now Pope Emeritus Benedict, was been recently cited by an extensive German Law Firm investigation as being knowingly a part of the attempts to cover up the sexual abuses of German young men by one or more priests under Cardinal Ratzinger’s supervision. With respects to Cardinal Ratzinger/Pope Emeritus Benedict, he is no more infallible than is any other human man. That statement aside, and my reservations about the Catholic belief of infallibility of the Pope, the Vicar of Christ notwithstanding, I cannot help but read questions 35-49 and their extensive Answers without concluding that, while the edicts of the Pope and the Magisterium are not infallible, and I cannot agree with some of same, the extensive Answers to these Questions 35-49 are very much entitled to a careful (albeit critical) reading by the Reader. I think that the Reader will find, as I have found that he or she will agree (as I have) with at least some of (if not all of) the theological reasoning of the Pope and Magisterium, and that, in any event, he or she will find that such reasoning, even if it is believed to be incorrect, is very soundly presented and is worthy of careful thought. So the Reader can make his or her own decision about whether or not he or she wants to consider Questions and Answers 35-49. I would urge that he or she do so.)

Question 50 and its Answer deal with the Question of the Future of the Natural Law, and with the concern as to whether it is, or is not a dying relic. Insofar as this Answer deals with the future impact of (or lack of impact of) the Natural Law, the Reader will find it to be challenging and informative. Insofar as the Answer again deals with the need to accept the authority and infallibility of the Pope and Magisterium, the Reader can read this Question and Answer with the same critical concerns as are raised above with respect to Questions and Answers 35-49.

One of the Advantages of the Question and Answer Format of this book (and the Questions and Answers are very adequately described in the book’s Table of “Contents” and somewhat in the book’s “Introduction”) is that it allows the Reader to pick and choose among the book’s chapters. He or she can select topics of interest and reject those in which he or she is not interested. That said, in my judgment the book is entitled to a complete reading, although that reading will not be an easy reading. It will be time consuming, and will require a lot of thought. Just because the Reader completely rejects parts of the Author’s assertions (e.g. those about the authority and infallibility of the Pope and Magisterium) he or she should at least recognize the very detailed and careful reasoning upon which the various Answers to the Questions, and even the conclusions of the Pope or Magisterium, are based.

First Impressions: Many of my impressions about this book are set forth in my descriptions of the book's Format, which appear above. That said, I found this book to be a bit of a hidden gem. Since the book was written by a Catholic, Notre Dame law professor, who clearly stands for the "truth" of the Catholic Doctrines that the Pope, the Vicar of Christ, and the Catholic Magisterium are the authoritative, infallible arbiters of Christian morality and ethics, Doctrines with which I, as an Protestant Evangelical cannot agree (even though I was raised by a Catholic with early years of Catholic education) I did not expect to find much of use to me in this book. However, I found a great deal of very useful material in this very well written, cogently presented book. In summary, parts of this book which I found to be "hidden, unexpected gems" are as follows:

1) Explanations of Natural Law, as the Book's Title Promises: While I have heard the expression "Natural Law" for years, and even though I am a lawyer, I have never had much of an understanding about just what Natural Law is or about why it might be of some importance. Our Declaration of Independence states that "We hold these truths to be self evident, that all men are created equal, endowed by their creator with certain inalienable rights...." These words seem to state that, by virtue of the actions of our Creator, who created human beings, human beings are "naturally" given certain rights. As I read this book I am led to conclude that these "rights" arise by virtue of that which the author refers to as the "Natural Law", as he describes it in this book. Prior to reading this book, I had no clear understanding about what Natural Law is. I recalled the heated Supreme Court confirmation hearings questions directed to now Justice Clarence Thomas about Natural Law, but really could not understand what all of the controversy was about. Similar questioning occurred during the confirmation hearings for Robert Bork. So one hidden gem which I found in this book is its very clear explanation of Natural Law, what it is and why it is important, just as the book's title states.

2) Explanations As To Why Early, Non-Christian (and certainly non-Catholic) Societies and Civilizations Seem to Have Had Moral/Ethical Laws Which Clearly Parallel What The Bible and Christ Seem to Reveal: Haven't you always wondered about the fact that many of Solomon's "wisdom" propositions as they appear in the Book of Proverbs were adapted by Solomon from non-Israelite, early Ancient Near Eastern civilizations, or why Pagan Law, and Roman and Greek Law and the Laws of other Ancient Near Eastern cultures, all of which were adopted well before the influence of Christianity seem to closely parallel, if not in fact copy some Biblical Teachings? This book provides at least some answers to this phenomena. As the author states, Natural Law is not the property of Catholicism or Christianity. It has been given by God, the creator of mankind, to each of the peoples of mankind in order to instruct them (or, as the author puts it, in order to provide them with a "manufacturer's operators manual", as to how to live their lives in harmony with God's ultimate purpose which was and is that they achieve happiness with God.

3) The Most Concise Statement of Why The Existence of God, and the Essence of God Himself Can Be Known Through Human Reason: Truly this was a completely unexpected gift from the author. We have all heard and read extensive explanations of the reasons why it is reasonable to believe that God exists. However, a very clear listing of these reasons, and very cogent explanations of these reasons are set forth in this book. If I received no other benefit from

this book than the author's listing of these reasons, and his clear, cogent description of these reasons, then I will have received a huge benefit from this book and will be better equipped to provide reasoned statements in support of my belief in God to those who might question that belief.

4) A Concise Statement of the Reasons Why it is Reasonable to Believe that Jesus Was Crucified, that He Died on the Cross, and that He Was Buried and Returned to Life After Three Days: You know these reasons. Each of us has heard them, read them, studied them and analyzed them, but you don't expect to find them in a book about "Natural Law", written by a Catholic law professor. Perhaps it is because I am a lawyer and was educated as both an engineer and a lawyer that I have appreciated the very clear, cogent manner in which our author has listed and explained, in detail, these Reasons.

5) A Concise Statement of the Reasons Why Man Is Known Through Reason to Be A Spiritual Being and to Be Immortal: Have you ever thought about defining "reasons" why it is reasonable to believe that Man is not just a Physical Being, but is also a Spiritual Being, with a Soul which is not made up of matter, but rather is immaterial and immortal? Why is it reasonable to believe that I have an immortal soul? Maybe you have thought about these matters. Candidly, I guess that I have not thought about them in any depth. The author of this book provides a whole lot of insight in these respects.

6) The Role of, and the Conclusions or Edicts of the Catholic Pope and Magisterium: As stated above, I cannot accept the truth of the Catholic Doctrine that the Pope, as the Vicar of Christ, and the Catholic Magisterium are the sole, authoritative, infallible arbiters of all matters of Christian Doctrine and Morality. There are a number of reasons why I, and likely why you, the Reader, cannot accept this truth. That said, and while I (and you) might disagree, perhaps strongly with the truth of these propositions, and with some of the edicts of the Magisterium on matters of Doctrine and Morality, I have found it very helpful (and I think that, if you are willing to take the time to read the relevant portions of this book you will also find it helpful) to carefully read, and try to understand, and perhaps critique the later chapters of this book which describe some of the Applications of Natural Law by the Magisterium. I reject, and you will probably reject some of these Applicational conclusions of the Magisterium, but I have found, and I think that you will find agreement, perhaps even strong agreement with some of these conclusions. In any event, I have found and I think that you will find that a careful reading of the author's analysis of these conclusions stimulates a lot of hard thought.

So, yes, my impressions of this book with which I thought that I would be unimpressed are extremely favorable for the reasons listed above, and for some additional, perhaps more personal reasons. I can strongly recommend this book to any Reader who, perhaps, has an interest in seeking to understand how our God has implanted in each of us, his Mankind Creations, a "conscience" if you will (my word, not the author's word) through his Natural Law, which interacts with His Divine Law (the Revelations of Scripture and of Jesus Christ) in order to provide each of us with directions or instructions (if you will, again my words not those of the author) as to how we are to relate to God, and each other, and God's creation and its creatures.

Some theologians, such as Karl Barth, argue that the sole source of God's Revelation is Jesus Christ, as revealed through Scripture and that any "natural revelation" is meaningless. Others, like C.S. Lewis would argue that, yes, God has Revealed Himself and His Desires for us through Scripture and Jesus, but that He has also revealed these things, at least partially through our very "nature" which He has imbedded in each of us as creatures created by Him in His Image. So how do "Nature" and what is "Natural" form a part of God's Revelation? This book helps one to wrestle with this question.

Overall Description of the Book's Contents/What is the Author Doing With What the Author is Saying: It appears that the author had several goals for this book, as follows:

- a) First to explain the concepts of the Natural Law, what it is.
- b) Secondly, to contrast the "Natural Law" jurisprudence of Saint Thomas Aquinas (who sought to integrate the concepts of the Natural Law with the Greek Philosophy of Aristotle) and Saint Augustine with what the author characterizes as being the jurisprudence of the Enlightenment, which he asserts has governed the jurisprudence of the United States for many decades, with the jurisprudence of the Natural Law being grounded in the concepts of "absolutes" of truth and justice as handed down by our Creator and with the jurisprudence of the Enlightenment and the philosophies of the Enlightenment being grounded in the concepts of Modernity, or the so called Age of Reason, such being that there are no absolutes of truth or standards of truth except for what can be objectively demonstrated, by science through the scientific method and that, in the case of laws or jurisprudence the so called concept of "positivism" reigns (meaning that whatever laws the state puts in place and which are enforceable are proper, appropriate and must be obeyed regardless of whether or not they infringe on what we might consider to the "human rights").
- c) Thirdly, the author seeks to go into a detailed description of the writings of Saint Thomas, and to then argue for the significance of the conclusions about the Natural Law of Saint Thomas.
- d) Fourthly, the author goes on to identify what is entitled the "Divine Law", the revelations of God through the Old and New Testament and through the person of Jesus Christ, and to describe why God has determined that the Divine Law is required to help human beings, whose reason is obscured by original sin understand and apply the Natural Law.
- e) Fifthly, the author also describes "human law" and the reasons why human law (the edicts of legislative statutes and of other human laws and of the courts and government) is required because of the perversity and lack of virtues of some men, and the need to provide some controls which govern the conduct of some humans whose consciences and inclinations to subject themselves to the Natural Law and the Divine Law has been perverted through original sin.
- f) Sixthly, the author seeks to describe how the truths of, and the applications in the lives of Christians of the Natural Law, as illuminated by the Divine Law, can be ascertained by "reason", with the ultimate arbiter of such "reason" and of the morality and ethics of Christians,

and of the requirements of the Natural Law itself being authoritatively, and infallibly determined by the Vicar of Christ, the Pope and the Magisterium, the Sacred Assembly of the Holy See, who ave, in effect, inherited the positions of the original Apostles.

g) Seventhly, the author then goes on to describe some of the “rulings” or “edicts” or conclusions of the Pope and Magisterium which he argues are to govern the lives of Christians.

These are the goals of the author, as I see them to have been. The author seeks to fulfill these goals by way of his responses to 50 Questions which he states have been raised over a period of 30 years of his teaching of a Notre Dame Law School Class on the jurisprudence of Saint Thomas Aquinas. The author’s responses to these questions are given with a high level of scholarship. These responses are extremely well researched and are very well thought out, and are very cogently presented. Whether or not you agree with the author’s responses or reasoning, or the edicts of the Pope and Magisterium (which are very heavily grounded in Natural Law) you, the Reader, will find that you are intellectually challenged by the author, and that you will come away with a very good understanding of just what “Natural Law” is, and why it has been and is important to the development of Christian Theology, and how it has heavily influenced the theology and declared moral and ethical requirements of the Catholic Church, with many of which you will find yourself as being in general agreement and with some of which you might find yourself as being in strong disagreement, while still being intellectually challenged thereby.

Since the format of the book is to state 50 questions and the answers to those questions, and since the answers are very extensive and make a number of points, it is impossible to summarize, in any fair (to the author) fashion the many points made by the author in this book. However, in an effort to stimulate the interest of the Reader, and hopefully cause him or her to at least read portions of this book which he or she finds to be of personal interest (if not to read the entire book) I will (with apologies to our fine author) attempt to set forth some of what I have found to be the main points or conclusions set forth by the author in this book. They are:

1) Does Anybody Really Care About the Natural Law?: Sure the Catholic Church and its Magisterium are heavily influenced by the Natural Law in that Catholic theology emphasizes what is known as “natural theology”-the rational discovery and explication of God’s existence and being through investigation of the natural world, including human existence, and the Natural Law jurisprudence of Saint Thomas Aquinas. However, I am not now a Catholic (although I was raised as one) and you, the Reader, are likely not a Catholic. Does anyone, other than Catholics care about the “Natural Law”? The answer to this question is YES. Look at the Nuremberg War Criminal Trials, where alleged Nazi War Criminals were put on trial for violation of “human rights”, which were most certainly not defined by the German laws which were in effect while they were acting in a depraved, inhumane fashion which was, in fact endorsed by, if not in fact required by such German laws and the German government. Look at our current world affairs situation where we stand in condemnation of what we refer to as being “violations of human rights” by the Chinese government in its treatment of a Muslim minority and in condemnation of the actions of other governments in their oppression and persecution of various minorities. From whence do these “human rights” arise? They are not defined by any applicable laws or statutes of the relevant countries. They are defined by what are described as “basic human rights”, but by

who or what are these rights defined? I think that our author would propose (as I would argue the drafters of our Declaration of Independence would declare) that these rights are endowed upon each human being by the act of our Creator, who has imbedded in each human being, His creations, certain “natural” desires and rules of conduct and basic rights by what Saint Thomas and Saint Augustine described as the Natural Law. As the author states: “Anyone who cares about life and death issues has to care about natural law, one way or another.”

2) Can Natural Law Thinking Really Make a Difference?: Since the natural law theory imposes a reminder and limitations upon politicians, governments and political majorities or the politically powerful it is “...always controversial and often unwelcomed...” by them. The author cites two striking examples of such reminders and limitations, the evils of Nazi Germany and the evils of racial segregation in the United States. After WWII the courts of the Federal Republic of Germany rejected legal positivism (which holds that a law is valid because if it is effectively enforced). and recognized the “...necessity of universal higher standards of objectively valid suprapositive principles of the lawmaker...” the theory being that “law must be defined as an ordinance or precept devised in the service of justice...(and that)...the enacted law must yield to justice, and be considered to be a ‘lawless law’...when there is an unendurable conflict between the enacted law and a true justice”. In his letter from the Birmingham jail, Martin Luther King echoed the natural law conclusions of Saint Thomas Aquinas, when he said “...a just law is a man-made law which squares with the moral law or the law of God...(and)...an unjust law is a code that is out of harmony with the moral law...(with, quoting Saint Thomas)...an unjust law...(being)...a human law that is not rooted in the eternal law and natural law.” “So, can natural law thinking really make a difference? It did for the victims of racial segregation in the United States...”.

3) What is Natural Law?: Briefly stated in my words, not those of the author but which I hope correctly paraphrase the author’s thoughts, the Natural Law consists of rules, or guidelines or instructions which our Creator has implanted in each of us so that we might know how He intends that things work in this world, His creation. In the author’s words: “The natural law is a set of manufacturer’s directions written into our nature so that we can discover through reason how we ought to act. It ‘is nothing other than the light of understanding infused in us by God, whereby we understand what must be done and what must be avoided. The Ten commandments, and other prescriptions of the divine law, specify some of the applications of that natural law..... . He (meaning God) loves us and wants us to be happy during our life on earth (but) more importantly he wants us to choose to love him so that we can share his love in the eternal happiness of heaven. The natural law provides a guide through which we can safely and rightly choose to love God by acting in accord with our nature and by helping others to do the same.”

4) What is Divine Law?: “Divine Law” is the written revelation of and from God which is provided by way of the Old and New Testaments. It is provided in order to assist us in knowing and following the requirements of the Natural Law. “While we can know the requirements of the natural law through reason unaided by explicit revelation...(because of our)...weakness and disorientation caused in our nature by original sin, we are likely to make mistakes; so God has provided (written revelation, the Divine Law) to enable us to know with certainty how we ought to act.”

5) Natural Law and Divine Law Complement Each Other: “In a sense, the natural law and revelation (written revelation, the Divine Law, made by way of the Old and New Testaments) complement each other.” They are not separate “law” so to speak. There is only one “...salvific morality...of which natural law morality is existentially a part... .”

6) An Objective Standard of Right and Wrong: “The natural law provides an objective standard of right and wrong. But it is essential to distinguish the objective wrongness of an act from the subjective culpability of the person who does it.” For example, a person might commit an objectively wrongful act, but have no or a lesser culpability for that act because of mental defect which renders him or her unable to know that the objectively wrong act is in fact wrong.

7) The Natural Law Serves Not Just As a Guide To Individual Conduct, But Also As a Standard For the Laws Enacted by the State: The Natural Law serves, not just as a standard for individual conduct, but also as a limitation upon or guide for or standard for laws enacted by the state. “If an enacted law is contrary to the natural law, it is not even a law. It is void, an act of violence rather than law. The natural law is, therefore, a standard for the state as well as its citizens.”

8) The Natural Law is Not Catholic Dogma But Has Been Implanted In All of Humanity: The author cites numerous examples which are intended to show that the Natural Law has been with us since well, well before Christianity had any sort of influence and certainly before Catholicism had any influence, and that it has had strong influence even in Pagan societies. It certainly also had a strong influence on some of the non-catholic founders of our country, such as Alexander Hamilton. The author seeks to demonstrate that the Natural Law is something which God has implanted or sought to implant in all humans, and provides numerous examples to such effect.

9) Saint Thomas Aquinas: The extensive writings of Saint Thomas Aquinas about the Natural Law and its jurisprudence (which followed up on the writings of Saint Augustine) have had a strong influence on the Catholic Magisterium and its conclusions and edicts. Therefore, those writings and the reasoning of Saint Thomas are heavily cited and quoted by our author.

10) The Dominant Jurisprudence of Today/Condemnation of Enlightenment Philosophy: The author contends that: “American jurisprudence of today is a product of the Enlightenment philosophy, which gained influence in the eighteenth century.” According to our author some of the most prominent Protestant Reformers and philosophers not only rejected “...the Catholic Church, but all revealed religions, and it (meaning the Enlightenment Philosophy as the author purports to have influenced the Reformers) sought to replace them with a new and worldly religion of reason...(with)...the fundamental dogma of the Enlightenment (being) that man must overcome the prejudices inherited from tradition...(and)...he must have the boldness to free himself from every authority in order to think on his own, using nothing but his reason.... .” The author further contends that: “The Enlightenment further involved a denial of the power of reason to know objective truth...” and that, therefore, all standards of the Natural Law whereby God has proclaimed, objectively, what is right and what is wrong do not exist or cannot be determined by human reason, and that each person must determine for himself or herself what is right or what is wrong. This philosophy has led to “positivism” meaning that the government, the state determines right and wrong without objectively specified standards or limitations. In

some respects one might argue that the current standards of right and wrong are established by the phrase “the majority rules.” Some philosophers have proclaimed that the state is formed by way of a “social contract”, the purposes of which are to either achieve security or to protect rights (question, by what standard are “rights” determined). Jean Jacques Rousseau (1712-1778), whose philosophy spawned some of the world’s most oppressive regimes, argued that the origin of the state is not in human nature or the divine plan but rather is in the social contract “...with the rights coming not from God but from man and ultimately from the state.... .” Rousseau’s philosophy was the predecessor of and ultimately a strong part of the foundation for the philosophical underpinnings of Nazism, Communism and other oppressive forms of government and economics. The author states that: “The jurisprudence of the Enlightenment is an individualist, utilitarian positivism...(which)....leaves no room for mediating institutions, such as the family and social groups between the individual and the state...(and which)....tends to deteriorate into either an extreme, individualist capitalism or a totalitarian collectivism...(whereas) the natural law tradition, by contrast, includes the principle of intermediate family and voluntary groups, such as labor unions, which stand between the individual and the state.”

11) The Importance of Subsidiary Groups: As one might surmise from what has been stated so far, the author and the Catholic Magisterium emphasize the importance of subsidiary groups which rest between the individual and the state, holding that these subsidiary groups are essential to the “nature of man”, which is a “social or communal nature” embedded in man as a creature created in the Image of God, an image which is, of course, Trinitarian. God is by his very nature, social and communal and that nature has been embedded in man. Of chief importance from among the “subsidiary groups” is the family. So the author and the Magisterium decry any governmental actions which are in any way harmful to the family. Under the natural law the family has to be a bedrock of human civilization.

12) The Human Law: “Human Laws” are the laws enacted by human governments, the state. Saint Thomas argued that “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.” In other words, in my words not those of Saint Thomas or the author, human laws provide for the application of the Natural Law, working in concert with the Revealed Law, the Divine Law, in certain particular instances or situations of application. “The divine law (meaning written revelation) complements the natural law, as well as the human law...” with the natural law, the divine law and the human law being placed by Saint Thomas within the context of the overall design of God. Whereas Saint Thomas integrates the natural and human laws with the eternal and divine law, “....Secular or humanistic (Enlightenment inspired law) leaves man entirely on his own” in determining what is right or wrong, what is good or bad.

13) Distinguish the General Principles of Natural Law From Particular Applications: While the general standards of truth or rectitude are known by all, their application in specific instances must be defined by human reason, thereby requiring the human law or the reasoning, conclusions of edicts of the Magisterium. “The natural law, in sum, provides an objective, knowable standard that is as old as human nature but (it is) ever adaptable to new and changing

situations....” and these adaptations are identified by the Magisterium.

14) Human Law Required for Perfection of Virtue: While man has a natural inclination for virtue, perfection of that virtue requires some kind of training. Hence the need for the human law which “...consists chiefly of withdrawing man from undue pleasures, to which he is inclined....(meaning that)...a man needs to receive training from another, whereby to arrive at the perfection of virtue.” “The natural law has two functions with respect to human law; they might be called ‘constructive’ and ‘protective.’ In its ‘constructive function’, natural law provides a guide for the formulation of laws to promote the common good....(with)...natural law principles of morality and social justice (informing) the public discussion of issues such as family, the economy and the prevention of racial discrimination... (In its second or ‘protective function’) natural law provides a shield against laws that violate the natural law...(and this function)...involves criticism of human law....(with its)...primary effect (being the protection) of the rights of people.”

15) Tension Between Common Good and Individual Rights: In my words, not those of our author, the applications of the Natural Law will involve or recognize a tension between the need for Human Laws which promote the Common Good, and the need for those laws which protect, or most certainly do not violate individual rights, with those rights including the rights to life, the rights to general individual liberty, the rights to own and use private property and to profit from such use, and other individual, human rights. However, individual rights are not to be allowed to run unchecked, thereby interfering with the basic individual rights of others or “the common good.” There are certainly disputes about just what the “common good” might be. “The jurisprudence of the Enlightenment regards society as composed of individuals who are related to others not by nature but only insofar as they consent to be related....(and, therefore)...in that view, the purpose of the law becomes the protection of individual rights, as those rights are determined by the political process and, ultimately, according to the greatest good of the greatest number or other utilitarian criteria.” However, “...the common good cannot be equated with collectivism.” “It is the sum total of all presuppositions and arrangements of a general, public kind which a common body needs so that the individuals as members of a body can fulfill their earthly task and can themselves realize their earthly happiness by means of their own activity....” recognizing that “...the human person is not an isolated individual....(and)...cannot exist except in relation to others.” “The common good ‘can be defined only in reference to the human person.... It presupposes *respect for the person* as such. In the name of the common good, the public authorities are bound to respect the fundamental and inalienable rights of the human person.’ The individualist jurisprudence of the Enlightenment has lost sight not only of the idea of the common good but also of the unique dignity of the human person, the protection of which is an aspect of the common good.”

16) Did Saint Thomas Have An Opinion As To Which Form of Government Is the Best? : Saint Thomas cannot be classified as being either a liberal or a conservative, as those words are used today. However, he was “...conservative in that he was cautious about the role of the enacted law (meaning the human law).” Perhaps we can say that he might have favored a limited role for government. “The positivist and the secularist reduce law to an act of will by the lawgiver...(but)...if a human law ‘deflects from the law of nature’, it is unjust and ‘is no longer a

law but a perversion of law.””

17) The Human Law Should Not Prescribe Every Virtue or Forbid Every Vice: Since Saint Thomas took a realistic view of human nature he recognized that the human law is enacted for human beings, the majority of whom are not perfect in virtue. So he rejected the concept of an absolutist government and cautioned that the human law should not prescribe every virtue or forbid every vice. He urged practicality in the enactment of human laws.

18) Should The Human Law Legislate or Enforce Morality?: The argument that the law should not enforce morality is a silly argument as all human laws enforce a morality of some sort. The question is not whether human law should enforce morality, but rather is which morality it will and should enforce. It should not prescribe every virtue or every vice lest it be unenforceable and therefore be despised. Because of this “...limited reach of the human law with respect to virtue and vice, the divine law is necessary for directing human conduct.”

19) To What Extent Can The Natural Law Prescribe or Limit the Highest Human Law, Such as the Constitution of the United States?: The author provides a very lengthy and detailed outline of his position that the role of the natural law in dealing with the interpretation of the highest human laws, such as the United States Constitution, is limited. He also sets forth, in detail, his positions on the role of the courts, particularly the United States Supreme Court in the interpretation and application of the United States Constitution. I think that these sections of the book would likely be of more interest to lawyers than they will be to other readers.

20) Man Can Be Known Through Human Reason to be Spiritual and Immortal/The Existence of God, a Creator, Can Be Known Through Reason/That Jesus Christ Was Crucified, Died and Rose From the Dead Can Be Known From the Evidence and Human Reason: As stated above, in this Review, this book contains several hidden gems which I did not expect to find therein in view of the book’s general subject matter, the Natural Law. The author sets forth some of the best, most concisely stated arguments for the positions that human beings can rationally determine, from human reason and the available evidence, that human beings have a soul, which is not made up of material substances and is, therefore, spiritual and immortal, and that there is a God who created all, and that Jesus Christ was crucified, died and in fact rose from the dead. Questions 22 through 34 of the book, and their answers are worthy of a careful reading for these purposes. They will assist you in asserting your persuasive, reasonable evangelism.

21) The Role of the Magisterium: As noted above the author is a very strong advocate for the position that the role of the Catholic Magisterium in the interpretation and application of the natural law to specific moral/ethical problems is an essential one; with the Pope and Magisterium being considered to be the infallible, authoritative arbiter in matters of such interpretation and application. Protestants most certainly do not accept this position of the author. That said, the parts of the book which deal with specific conclusions of the Magisterium on some very pressing moral issues of the day are worthy of a very careful reading and thoughtful consideration. You might well not agree with some of the conclusions or edicts of the Magisterium but you will find that the arguments for these conclusions will generate deep intellectual thinking on your part. We are not Catholics but it sure does not hurt us to recognize that the Catholic Magisterium has, perhaps with what we might call some courage, attacked some of our very pressing moral issues,

such as abortion, assisted suicide, suicide itself, artificial insemination, etc. Rightly or wrongly, these issues are at least confronted; which is something that is not often the case with some of our denominations and congregations.

This is but a very general outline of this book's remarkable contents. The hope is that this outline might inspire you, the Reader, to at least skim the book or parts of it, if not, in fact read it in its entirety.

To What Audience or Readership is This Book Directed?: Clearly, this book is not directed to a general audience readership. It is also not directed to the general Christian populace. It is directed to those interested in somewhat deeper theological studies and who are seeking a somewhat deeper understanding of the roles in theology and revelation of nature, and Natural Law and the general Nature of Man, whether they be lay theologians, pastors or ministers, or professional theologians.

How To Read This Book: I believe that I have dealt with this matter in my Initial Impressions part of this Review. As indicated therein, the book is very conveniently broken up into 50 questions raised by the author's law students, and his detailed answers to those questions. The Table of Contents further places these questions and their answers into 12 parts, parts I through XII. The questions and these parts are more than adequately described in the Table of Contents. Therefore, one can skip around in this book as one finds it various parts, questions and answers to be of interest to him or her. I would suggest that one needs to read the Introduction, and at least the Questions and Answers which appear in the book's parts I and II, at which point he or she can look at the Contents and decide which, if any, additional Questions and Answers are of interest to him or her. If you want to read the entire book, then I would suggest that you do so through multiple sittings. It is not easy to read, but reading it is worth the effort that is required to do so.

Can This Book Be Used In a TEI/ECLI Class?: In my opinion, the answer to this question is NO. However, the book's contents can be of immense help to class facilitators and instructors who are trying to explain, for example, the Wesleyan Quadrilateral and its components for theological reasoning, and how each of such components might fit into sound theological reasoning. The book will also be an excellent library resource for study by serious theology students.