

Ethical Decision Making: Using Natural Law to Establish Common Ground

What is ethics?

Ethics is a study of moral choices. More precisely it is the philosophical study of moral choices.

Goal of ethics is to determine which moral choices will **enhance** our humanity and which ones will **diminish** us.

This goal has been describe in several different ways:

1) **Hebrews** - shalom or peace, wholeness or health - a right relationships with self, others and the world. Paradise. What does it mean to be authentically human and why is there evil.

The law, the Torah, was a gift, not a burden. A way of life. Murder is not wrong because it is in the 10 commandments, it is in the 10 commandments because it is wrong.

2) **Greeks** - eudaimonia - happiness or flourishing. Harmony, right relationships.

Therefore, human acts that advance right relationships are good, those that diminish are bad. Ethics, then, is about life

We humans have been pursuing this goal of making good moral decisions from time immemorial - what have we accomplished??

We do have some basic agreements - lying, child abuse, adultery, murder, stealing, etc,

Ten Commandments and Code of Hammurapi (1800 BC)

Dali Llama - 1990 Chicago 190 religions

However, on many important and **complex issues** we have deep disagreements - stem cell research, abortion, gay marriage, euthanasia, genetic engineering, torture, cloning, warfare, environmental issues, immigration, etc.

As you are aware, we are hard at work on these issues right now. This “hard work” takes place within what I would call an “ethical climate” specific to each culture and each time period.

Let’s take a look at our present “ethical climate”

The good news is that we citizens of the United States live in a country that

- represents a **plurality** of ethnic and religious backgrounds -- diff perspectives
- guarantees **freedom of speech**
- and a country that is governed by **elected officials** and representatives

The bad news is that we citizens of the United States live in a country that:

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I say “bad” in that:

First -- our plurality of ethnic backgrounds and religions (or no religion) makes it **difficult to reach consensus, because of our different interpretation of the available data.**

Ex. WORM STORY

We see things differently and it is hard to change our minds.

Second -- our freedom of speech allows us to bad mouth those who disagree with us

Third - we have elected representatives who may pass legislation on moral issues on which we disagree and a single president often has the opportunity to appoint Supreme Court Justices with a different moral vision than ourselves.

So here is our problem: how do we find **common ground** and a **process** for reaching consensus on our moral issues that will bring us together rather than make us enemies?

Well, we have tried a number of approaches.

- 1) **Religious texts** - many texts, no universal agreement modern issues - stem cell, etc -- not covered.
- 2) **Various ethical systems,** Hume, Kant, Mills, Rawls.
- 3) **Dismiss the problem by saying everything is relative .**

So what do we do??

Do we give up our pursuit of the goal of determining what are good and bad moral decisions? That is not an option. And here is why.

We are going to make moral choices and ALL moral choices have consequences.

These consequences will either enhances us as human beings, or diminish us.

First, let us take a look at the kinds of consequences that result from our acts.

Two kinds of consequences: Objective and Subjective

1) **Objective** -- steal fifty dollars. Not only the individual harmed, but the whole human community. Communities work best with trust. Stealing breeds fear and mistrust.
Every human act makes the world a better or worse place for humans to flourish. Hard to get the feel.

Healing takes time. Good and evil ripple out. - we lose the ability to control our lives.

---The Fifties

---Hitler and Stalin

Even in good conscience we can do harm -- conscience is our best judgment
----**soldier story**. Need to know what we ought to do.

2) **Subjective**: When you steal fifty dollars: you become a thief.

We are all in the process of becoming - becoming some kind of a person. First time, not too important. Stealing can become more of an art than a vice. We can lose our conscience.

Though our acts we become more or less authentically human. When we steal we become a thief --- we are not at our human best when thievery becomes a way of life.

In Summary - Knowing the ethical from the nonethical -- the good from the bad -- is **essential to our personal and community well being**. And when we act on that knowledge we and our human community become better or worse - more or less authentically human.

Thus, in order to successfully pursue our goal of determining which moral choices are good or bad for use, we to establish a common ground for ethics that has a chance for universal appeal.

We have mentioned that our sacred books do not provide a common ground and that all modern attempts at ethics - Hume, Kant, Bentham and Mills, Contractarians, etc. have failed to establish a universal common ground.

It there a perfect approach?? No, but let me suggest a good one. (Churchill)

It is an Ancient Option: Natural Law

It began with the Greeks and continued with the Romans

Goal: Happiness, the flourishing of human life - individual and collective.

Focus: An analysis of human nature - what makes us flourish?

Method: Human reason

**All three -- the Goal, the Focus and the Method have a universal footing.
They provide a common ground**

Cicero "On the Republic"

True law is right reason in agreement with nature, universal, consistent, everlasting, Whoever does not obey this law is trying to escape himself and to deny his nature as a human being. By this very fact, he will suffer the greatest penalties, even if he should somehow escape conventional punishments.

Pamela Hall

Our discovery of the natural law occurs by way of reflection upon our natures and then by discovery of the necessary means for achieving or

constituting the goods of our natures. (*Narrative of the Natural Law* - Pamela Hall p.37)

That the natural law must be discovered implies that the employment of the natural law in moral discourse is a *rational process*. *Rational* establishes that the ground for discussion is human reason, something human beings share in common. *Process* means that there is an element of discovery in understanding the natural law. *It is not simply a process of referencing a set of immutable principles, but a discovery of "what works" for human beings in the particular circumstances of their individual and social lives.*

This commitment to a natural law approach yields certain laws of human nature that must be respected for humans to flourish.

These laws become the basis of human rights - life, liberty, the pursuit of happiness

So how does the natural law approach work??

Some examples:

One important area -- Natural law and civil law -

Natural law tradition holds that there is an objective, universal justice that transcend any particular expression of justice found in civil law.

Nuremberg Trials - the judges argued that all was legal, but the other judges cited "crimes against humanity". - the right to life, liberty and pursuit of happiness were violated.

Martin Luther King - Again, there were laws and customs, but the right to liberty and the pursuit of happiness were violated.

Death penalty - punishment and need to protect society, however, some are innocent and there are other ways to protect the public.

Immigration policy - the right to protect borders vs right to life, liberty and pursuit of happiness. Protection of borders not an absolute right. Need for compromise

Legalized Abortion - reproductive rights of women vs a judgment that innocent human life is being destroyed -- life, liberty and pursuit of happiness.

Agreement on the moral principle, but disagreement on the facts. Until we have enough consensus on the facts, it remains an ethical problem that the law cannot effectively address. Enforcement and penalties.

A Final Word: What have we accomplished? We do not have a bag of ready made answers for our pressing ethical issues, but if we adopt and natural law approach - the common ground of human nature and the method of human reason - we have accomplished **something important**.

Namely, given this **common ground**, we are free to view each other as friends, friends with legitimate differences, but with a common concern for truth and the welfare of all human beings.

We may still disagree, but in establishing a common ground our task has shifted from seeing each other as “the enemy” to be overcome to seeing each other as fellow human beings with the **same goal** - the good of humanity - and using the **same method** - reason - in the quest for truth.

In such an atmosphere it is possible to learn from each other and in the end if we still disagree we know that we have searched together in good faith. We are companions facing the mystery of human life and our role in its flourishing.