

If the natural law theory is applied rigidly to ethical problems, obvious injustices arise. Discuss. (17 marks)

Like all ethical theories, Natural Law has weaknesses, the largest of which being the 'Naturalistic Fallacy'. The theory suggests that we should apply information obtained through scientific observation, what life '**is**' like, to how we '**ought**' to behave. G E Moore considered this jump from scientific observation to moral behaviour to be illogical. He also wrote that...

"Defining the Good can't be done, because Good is a simple property. We may list any number of other things or qualities which possess the property Good, but thinking of any of these as the only Good; or defining Good by means of any of these things, commits the naturalistic fallacy. One identifies the property Good intuitively."

This theory also assumes a religious belief in God and his role as the Creator. This assumption seems to fully exclude people who do not hold such beliefs. However, if necessary they may follow the natural law through Aristotle's philosophy and ignore the later developments made by Thomas Aquinas.

Being a highly casuistic theory, the natural law is based on a general set of rules, namely the universal law of God, which are applied to all situations. Again this is another example of exclusion, showing that the natural law does not acknowledge individual circumstances. For example, with this theory, all abortions are considered totally wrong. So if a young girl or indeed any woman was raped and became pregnant as a result, she would be forced to carry the baby to term and as giving it up for adoption is again considered unnatural, she would have to bring up the child. An abortion would not be considered as a viable option, even if the woman was at serious mental or physical risk from the pregnancy, because the abortion would be the intended effect. However, if a pregnant woman had cervical, uterine or ovarian cancer and required a hysterectomy to prevent the disease from spreading, under the natural law it would be granted, as the abortion of the foetus would be considered a secondary consequence of her operation.

Many would argue that it is impossible to establish any guidelines when our knowledge of nature, and even our behaviour itself, are continually being modified. There is a close comparison here with medical law. It is not sensible to set precedents on yesterday's methods when today's technology is completely different.

Finally, there is the huge question, can we universally say what is natural? In answer to this a follower of the natural law would say yes, of course we can,

human nature is common to all of us. However, on the other hand there is the argument that human beings are all individuals and even though there may be a basic common nature, the way that it is nurtured must be taken into account. For example, there are hundreds of cultures all across the world and each has it's own specific characteristics. In some countries it may be considered acceptable to use the death penalty, whereas in others there are more reforming methods used in the treatment of criminals. Also, going back to an earlier example, homosexuality might be believed wrong in some cultures, but in others and to those who practice it themselves, it is natural.

In my opinion, the theory of natural law is too restrictive and after all the battles against an old authority, instigated by black people, women and homosexuals etc, it is not a suitable moral code for the modern world.