

8-1-1982

[Book Review of] *Toward a Reformulation of Natural Law*, by Anthony Battaglia

Patrick Lee

Follow this and additional works at: <http://epublications.marquette.edu/lnq>

 Part of the [Ethics and Political Philosophy Commons](#), and the [Medicine and Health Sciences Commons](#)

Recommended Citation

Lee, Patrick (1982) "[Book Review of] *Toward a Reformulation of Natural Law*, by Anthony Battaglia," *The Linacre Quarterly*: Vol. 49: No. 3, Article 15.

Available at: <http://epublications.marquette.edu/lnq/vol49/iss3/15>

bers' orthodoxy or deviance. The members' "mental health" is medicalized and made the sole prerogative of the psychiatric profession. The psychiatrist rather than the priest, rabbi, or minister determines acceptable behavior, exorcises the deviant, and counsels the legislator on the formulation of laws aimed at maintaining the status quo.

The media, with its own stake in selling papers and promoting its TV ratings, is tempted to manipulate the news to its own purposes. Cults make good copy and create interest, so they are exploited by the media beyond their own importance and influence. What is of importance is the effect that this kind of reporting has on popular sentiments and the pension of legislators to respond to these popular hysterics. The real question is whether the current cult phenomenon in our present society is of such a magnitude or danger that it warrants the inauguration of legislation which could seriously threaten the religious freedom which is a fundamental right guaranteed by the Constitution. The numbers involved and the results of recent government investigations seem to indicate that we do not need to institute another Inquisition to insure the maintenance of our current secularistic status quo.

Understanding conversion as a normal part of the process of human development is an important insight gleaned from present theological reflection. When viewed in the context of the conversion of certain historical figures, the conversions of many of our present-day idealistic youths do not appear as spectacular and unusual as we are led to believe. The fact that some young people today have turned from commonly accepted standards in search of a fuller meaning in their lives through new forms of religious expression may cause many to feel uncomfortable at their own unexamined life, but this discomfort should not stampede our society into legislating away the very religious freedom which our people enjoy. This book has done well in raising and clarifying the issues surrounding religious cults. With its insights, perhaps the efforts to "save" the few will not result in the destruction of the religious freedoms of the many. The latter loss would be far greater than the first.

— Joseph H. Determan, O.P.
Mental Health Chaplain Supervisor
St. Elizabeth Hospital, Washington, D.C.

Toward a Reformulation of Natural Law

by Anthony Battaglia

Seabury, New York, 1981, 150 pages, \$14.95.

Battaglia presents here a modified version of the natural law theory, by which he tries to steer a middle course between absolutism (immutable precepts) and complete relativism (no grounding of precepts in reality). His version is supposed to be faithful to the central insights of St. Thomas Aquinas — whom he calls the greatest of the natural law theorists (p. 4) — while developing his thought with an eye to modern problems, especially that of "historicity."

Battaglia argues that, for Aquinas, our knowledge not only of God, but also of creatures, can be only analogical, not univocal. He then interprets "analogical knowledge" to mean partially false, "reformulable," and uncertain. According to Battaglia, Aquinas held that we know things not as they *really* are but only in terms of *our* knowing power (p. 41); we know not the essences of things but only their appearances (p. 141).

The reason for Aquinas's position is supposed to be that "the truth of things" consists in their conformity to God's mind, but since we do not know God's mind, we cannot know the truth of things (p. 32). We are told that Aquinas is assured that our knowledge is *in some sense* true of things only by a *theological* belief that our first principles are a sharing in the divine light (p. 41).

Aquinas allegedly applies this general skepticism on human knowledge to the particular question of our knowledge of the human good or of natural law. So Aquinas believes that the first principles of morality provide an assurance of some type of conformity to the divine will (pp. 46, 47). But these principles, Battaglia argues, are only tautologies — "Good is to be done, evil avoided," "Unjust killing is evil," as if to say, "Do not do what is immoral." Since only these first principles are immutable, the result is that every moral precept stated non-tautologically is culturally conditioned and changeable (p. 56).

The moral criterion Battaglia retrieves from Aquinas is explained in the last part of the book. On the one hand, what is reasonable is "a function of whatever community one seems to belong to" (p. 104). But on the other hand, our judgments about the human good are testable. If our moral system *works*, then that is an indication of its adequacy (at least partial) to human nature (p. 129).

On this view, changes in morality are analogous to developments in empirical science (at least on the interpretation of relativist philosophers of science, such as T. S. Kuhn, mentioned by Battaglia). Both develop according to a hypothetical method; both are ever changing, sometimes gradually, sometimes abruptly. As empirical science works only with a *paradigm* of reality, which is not absolutely true but accepted merely as a basis for work (on the conceptual relativists' interpretation), so also does morality. "It is from the paradigm of *what a human being is* that we generate a notion of *what a human being ought to be* if he is to be happy, or rather these are already outlined for us in the culture" (p. 134). Thus Battaglia's middle course.

The book abounds in scholarly ineptitudes. For example, to support his reading of Aquinas on human knowledge, Battaglia quotes Aquinas to the effect that we know things "not by their essence but by their similitudes" (Battaglia's translation of a phrase from the *Summa Theologiae*, part I, question 87, article 1). Battaglia interprets this to mean that for Aquinas we know only the appearances of things (pp. 38, 46). Consulting the text one finds that a) Aquinas is there talking about angels, not men, and b) Battaglia has mistranslated and the phrase should read, "The angel cannot know all things through *its own* essence, but it knows things other than itself through their similitudes." For Aquinas, to know by means of a similitude is not the same as to know merely a similitude; both angels and men know things themselves but by means of similitudes.

Again, on p. 50, Battaglia cites Germain Grisez's article on Aquinas's first principle of practical reason, to support the argument that Aquinas's position on knowledge differs from Kant's only in that Aquinas has a theological assurance of the "truth" of first principles. In that article, however, Grisez says the opposite of what is claimed. One wonders whether Battaglia read the article.

Regarding his general interpretation of Aquinas, only three points will be mentioned. Battaglia does claim that his reading of Aquinas "is grounded in his texts and can certainly be read as a valid understanding of his thinking" (p. 4).

First, on Aquinas's theory, "analogical" has nothing to do with "partially false" or "uncertain" or "changeable." The proposition, *God exists*, is known analogically; it is neither partially false, somewhat uncertain, nor subject to change. Moreover, it is not the case that for Aquinas all our knowledge of creatures (specifically, of the *human good*) is analogical, or that we must know God's mind to know truth (the "truth of things" as their conformity to God's mind is a secondary and derived sense of the word "truth").

Secondly, Battaglia attributes to Aquinas the argument that since the human

good, or happiness, is the criterion of morality, and since God is the happiness of human beings and we do not apprehend God, it follows that we have no firm grasp of a criterion of morality (pp. 58-61). Soon after, Aquinas's "skepticism" is compared with that of Hume (p. 118). But for Aquinas, when a man acts in conformity with right reason (reason made right by a respect for the basic human goods, the objects of man's natural inclinations), then his action is in fact ordered to the ultimate end (by being open to it, at least), though he may not be conscious of *that* order.

Thirdly, in the second part of his *Summa Theologiae* Aquinas classifies more than 40 types of acts as always morally evil or sinful, including such acts as killing the innocent, suicide, lying, adultery, rape, incest, etc. It is difficult to believe that this same thinker held that the only immutable precepts were tautological, not to mention the problem of why he might think a set of tautologies is so important. In fact, for Aquinas, the primary, immutable precepts of the natural law are not tautological. These precepts oblige that man pursue and avoid acting against (without exception) specific, real human goods, such as life, truth, the procreative good, etc.

Regarding Battaglia's argument itself, apart from historical accuracy, three points will be made. First, all of the problems that plagued the old (and inaccurate) interpretation of Aquinas's moral criterion as "human nature adequately considered," remain problems for this theory. Whether the nature be "adequately considered" or something of which we have merely a "paradigm," there remains the logical problem of how one passes from "man's nature is x" to "man ought to do y." The only difference is that Battaglia makes the first premise uncertain; the logical sequence he leaves unclarified. (Battaglia adverts to Aquinas's distinction between practical truth and speculative truth, but reduces practical truth to truth *about* the human good; in Aquinas's view the latter is still speculative. The distinction lies elsewhere.)

Secondly, Battaglia never, in fact, even tries to prove that there are no immutable precepts. He does try to show that this is Aquinas's position. But obviously Battaglia would not accept one of the premises in what is supposed to be Aquinas's argument, namely that truth consists solely in a thing's conformity to God's mind (which is not Aquinas's position anyway). Hence the relativist part of his thesis rests solely upon a doubly bad argument from authority.

Thirdly, the conclusion suffers from internal difficulties. The basic argument is that historical relativity is compatible with moral judgments being based in human nature, in that moral systems are paradigms which are testable by their consequences: "only paradigms which are adequate to human nature will work" (p. 127). The difficulty is that what constitutes "working," on the supposition of historical relativity, will itself have to be judged by a second uncertain paradigm. Hence the theory either begs the question or amounts to embracing whatever the going ideology happens to be.

This view of morality can scarcely be called a "natural law theory," revised or not. If "natural law" means anything, it means what we *know*, what is "written in our hearts," what even pagans *know*, not hypothesize or construct "paradigms" about. Furthermore (as briefly indicated above), Battaglia's theory really has nothing to do with Aquinas's — even though it might have occurred to Battaglia while perusing the *Summa Theologiae*. It seems to me that the only reason Battaglia thinks otherwise on these points is in order to construct an *ad populum* argument aimed at Catholic audiences.

In short, the arguments are inept, the scholarship is incompetent. I do not recommend the book.

— Patrick Lee
Center for Thomistic Studies
University of St. Thomas, Houston