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Natural Law and the Recovery of Human Freedom

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KEY TAKEAWAYS

Radical individualism overlooks the value of human sociability, reducing friendship and other forms of human sociability to the status of instrumental values.

Anybody who acknowledges the human capacities for reason and freedom has good grounds for affirming human dignity and basic human rights.

These grounds remain in place whether or not one believes there is a divine source of the moral order regarding natural law and natural rights.

Abraham Lincoln began his remarks at Gettysburg in 1863 by noting that the nation he served and was fighting a civil war to preserve was founded "four score and seven years ago." As the great Hadley Arkes has observed, if one does the arithmetic, this takes us back not to the ratification of the Constitution in 1788 or its adoption by the Constitutional Convention in 1787, but to the signing and publishing of the Declaration of Independence in 1776.

In this matter, as in so many others, Lincoln's understanding was very much in line with the nation's Founders. They, too, believed that with the Declaration they established a new nation, albeit one whose political institutions and fundamental law were changed in significant ways by the Constitution and then by its amendments. Lincoln observed that the nation they founded was "conceived in liberty and dedicated to the proposition that all men are created equal."

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This "natural law" understanding of the American Founding and the American regime is, once again, something Lincoln held in common with the Founders themselves. As the Declaration itself proclaims, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, among these are Life, Liberty, and the pursuit of Happiness."

It was on this basis that America's founding statesmen launched their "experiment in ordered liberty," the experiment that would, as Lincoln would go on to say at Gettysburg, test whether a true regime of republican government "can long endure" and whether "government of the people, by the people, and for the people"—that is, republican government—would survive or, alas, "perish from the earth." So the experiment was a bold one.

Yet Thomas Jefferson, the principal draftsman of the Declaration, had insisted that there was nothing novel about that natural law philosophy that he and his colleagues had set forth in that document as the basis of republican liberty in the new nation. Reflecting on the Declaration in May of 1825, a little more than a year before his death (and the death of his revolutionary colleague, then political foe, then friend John Adams) a little more than a year later on the 50th anniversary of the Declaration, Jefferson said in a letter to Henry Lee that the point of the document was:

> [n]ot to find out new principles or new arguments never before thought of, nor merely to say things that had never been said before, but to place before mankind the common sense of the subject.... [I]t was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests on the harmonizing sentiments of the day, whether expressed in conversations, in letters, in printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc.

Now, it goes without saying that Jefferson, a learned man, was aware that in a vast range of particulars, Aristotle's approach to practical reason and moral and political theory differs from Cicero's approach, which in turn differs from Locke's approach, and so on. So it would obviously be erroneous to interpret Jefferson as claiming that the United States of America was founded on a particular natural law theory that was common to the four figures in the history of political philosophy he mentions plus others whose influence he signals with that "etc." The claim, rather, I believe, is that the "American mind" that produced the Declaration and the "harmonizing sentiments of the day" that prompted the bold and dangerous decision to rebel against the British crown were deeply informed by the broad tradition

of reflection about moral truth and its relationship to political order that includes Greek philosophers and Roman jurists of antiquity (the true founders of the natural law tradition); the great medieval philosophers and theologians of the monotheistic traditions of faith; and the Enlightenment thinkers of the Founders' own time.

Knowledge of Natural Law

One's knowledge of natural law, like all knowledge, begins with experience, but it does not end or even tarry there. Knowing is an activity—an intellectual activity, to be sure, but an activity nonetheless. We all have the experience of knowing. But to know is not merely to experience. Knowing is a complex and dynamic activity. The role of experience in the activity of knowing is to supply data on which the inquiring intellect works in the cause of achieving understanding. Insights are insights into data. They are, as Bernard Lonergan brilliantly demonstrated by inviting readers to observe and reflect on their own ordinary intellectual operations, the fruit of a dynamic and integrated process of experiencing, understanding, and judging.

So what are the data supplied by experience that are at the foundation of practical judgments—that is to say, insights that constitute knowledge of natural law? They are the objects of intelligibly choice-worthy possibilities—possibilities that, inasmuch as they provide reasons for action of a certain sort (that is, more than merely instrumental reasons), we grasp as *opportunities*.

In our experience of true friendship, for example, we grasp by what is ordinarily an effortless exercise of what Aristotle called "practical reason" the intelligible point of having and being a friend. We understand that friendship is desirable not merely for instrumental reasons—indeed, a purely instrumental friendship would be no friendship at all—but above all for its own sake. Because we grasp the intelligible point of having and being a friend, and we understand that the fundamental point of friendship is friendship itself and certainly not goals extrinsic to friendship to which the activity of friendship is merely a means, we reasonably judge that friendship is intrinsically valuable. We know that friendship is a constitutive and irreducible aspect of human well-being and fulfillment and that, *precisely as such*, friendship provides a reason for action of the sort that requires for its intelligibility as a reason no further or deeper reason or sub-rational motivating factor to which it is a means.

The same is true if we shift our focus to our experience of the activity of knowing itself. In our experience of wonder and curiosity, of raising questions and devising strategies for obtaining correct answers, of executing

those strategies by carrying out lines of inquiry, of achieving insights, we grasp (by what is again for most people in most circumstances an effortless exercise of practical reason) the intelligible point of searching for truth and finding it. We understand that knowledge, though it may have tremendous instrumental value, is intrinsically valuable as well. To be attentive, informed, thoughtful, clearheaded, careful, critical, and judicious in one's thinking and judging is to be inherently enriched in a key dimension of human life. We reasonably judge the activity of knowing, then, to be an intrinsic (or "basic") human good—a constitutive and irreducible aspect of our flourishing as human beings. Like friendship and a number of other types of activity, knowledge provides a reason for choice and action that requires for its intelligibility as a reason no further or deeper reason or sub-rational source of motivation to which it is a means.

Knowledge of natural law, then, is not innate. It does not swing free of experience or of the data provided by experience. Even when it is easily achieved, practical knowledge (that is, knowledge of natural law) is an achievement. It is the fruit of insights which, like all insights, are insights into data, data which are supplied by experience. The insight—the knowledge—that friendship or knowledge itself is intrinsically humanly fulfilling is ultimately rooted in our elementary experiences of the activities of friendship and knowing, Apart from those experiences, there would be no data on which practical reason could work to yield understanding of the *intelligible point* (and thus of the value) of friendship or knowledge and the judgment that these activities are intrinsic fulfillments of the human person and, as such, objects of the primary principles of practical reason and basic precepts of natural law.

Of course, not all practical knowledge is, strictly speaking, moral knowledge (that is, knowledge of moral norms or their correct applications), though all moral knowledge is practical knowledge: It is (or centrally includes) knowledge of principles for the direction and guidance of action. Yet knowledge of the most fundamental practical principles directing action toward the basic human goods and away from their privations, though not, strictly speaking, knowledge of moral norms, is foundational to the generation and identification of such norms. That is because moral norms are principles that guide our actions in line with the primary practical principles integrally conceived.

Norms of morality are specifications of the integral directiveness or prescriptivity of the various aspects of human well-being and fulfillment that together constitute the ideal of integral human flourishing. So if the first principle of practical reason is, as Aquinas says, "the good (bonum) is

to be done and pursued, and the bad (malum) is to be avoided," then the first principle of morality is that "one ought always to choose and otherwise will in a way that is compatible with a will towards integral human fulfillment." And just as the first principle of practical reason is specified, as Aquinas makes clear, by identifying the various irreducible aspects of human well-being and fulfillment (namely, friendship, knowledge, aesthetic appreciation, skillful performance, religion, and so forth), so too the first principle of morality is specified by identifying the norms of conduct that are entailed by an open-hearted love of the human good (that is, the good of human persons) taken as a whole.

Natural Law and Human Rights

A natural law theory will propose to identify principles of right action—moral principles. Among these principles are respect for rights, above all natural rights, what our Founders called "unalienable" rights, what are often today called "human rights," that is to say rights (including rights to fundamental freedoms) people possess simply by virtue of their humanity—rights which, as a matter of justice, others are bound to respect and governments are bound not only to respect but, to the extent possible, also to protect.

Natural law theorists, unlike utilitarians, for example, understand that human fulfillment—the human good—is variegated. There are many irreducible dimensions of human well-being. This is not to deny that human nature is determinate. It is to affirm that our nature, though determinate, is complex. We are animals, but rational. Our integral good includes our bodily well-being, but also our intellectual, moral, and spiritual well-being. We are individuals, but friendship and sociability are constitutive aspects of our flourishing.

By reflecting on the basic goods of human nature, especially those most immediately pertaining to social and political life, natural law theorists propose to arrive at a sound understanding of principles of justice, including those principles we call natural or human rights. In light of what I've already said about how natural law theorists understand human nature and the human good, it should be no surprise to learn that natural law theorists typically reject both atomistic individualism and collectivism.

While the dignity of the human person is paramount in natural law thinking, radical individualism overlooks the intrinsic value of human sociability. It reduces friendship and other forms of human sociability to the status of purely instrumental values, viewing all relationships as mere *means* by which the partners collaborate with a view to more fully or efficiently

achieving their individual goals and objectives. Collectivism, on the other hand, in any form compromises the dignity of human beings by instrumentalizing and subordinating them and their well-being to the interests of larger social units—the community, the state, the *volk*, the fatherland, the *führer*, the future Communist utopia.

Radical individualists and collectivists both have theories of justice and human rights, but they are, as I see it, highly unsatisfactory. They are rooted in important misunderstandings of human nature and the human good. Neither can do justice to the concept of a human *person*—that is, a rational animal who is a locus of intrinsic value (and, as such, an *end in himself* who may never legitimately treat himself or be treated by others as a mere *means*) but whose well-being intrinsically includes relationships with others and membership in communities (beginning with the family) in which he or she has, as a matter of justice, both rights and responsibilities.

Natural rights—human rights—including rights to basic freedoms, exist (or obtain) if it is the case that there are principles of practical reason directing us to act or abstain from acting in certain ways out of respect for the well-being and the dignity of persons whose legitimate interests may be affected by what we do. I certainly believe that there are such principles. They cannot be overridden by considerations of utility. At a very general level, they direct us, in Kant's phrase, to treat human beings always as ends and never as means only.

When we begin to specify this general norm, we identify important negative duties, such as the duty to refrain from enslaving people. Although we need not put the matter in terms of "rights," it is perfectly reasonable, and I believe helpful, to speak of a *right* against being enslaved and to speak of slavery as a violation of human *rights*. It is a right that people have not by virtue of being members of a certain race, sex, class, or ethnic group, but simply by virtue of our humanity. In that sense, it is a *human* right. But there are, in addition to negative duties and their corresponding rights, certain positive duties. And these, too, can be articulated and discussed in the language of rights, though here it is especially important that we be clear about by whom and how a given right is to be honored.

Sometimes it is said, for example, that education or health care is a human right. Often, such claims amount to substantive endorsements of policies driven by collectivist ideologies. The more or less subtle insinuation is that if something is a "right," then it is the duty of government to provide it. Conservatives are therefore rightly leery of such talk. It is talk that appears, however, in Catholic social thought and other conservative traditions and in international documents to which the United States has

signed on. And it can, if one is careful, be detached from collectivist ideologies and policies. To do that, certain questions must be asked:

- Who is supposed to provide education or health care to whom?
- Why should those persons or institutions be the providers?
- What place should the provision of education or health care occupy on the list of social and political priorities?
- Is it better for education and health care to be provided by governments under socialized systems or by private providers in markets?
- What does the principle of justice known as subsidiarity—famously formulated and insisted upon in Catholic social thought—require?

These questions go beyond the application of moral principles. They require prudential judgment in light of the contingent circumstances people face in a given society at a given point in time. Often, there is not a single, uniquely correct answer. The answer to each question can lead to further questions, and the problems can be extremely complex—far more complex than the issue of slavery where once a right has been identified, its universality and the basic terms of its application are fairly clear. Everybody has a moral right not to be enslaved, and everybody has an obligation as a matter of strict justice to refrain from enslaving others; governments have a moral obligation to respect and protect the right and, correspondingly, to enforce the obligation.

What I've said so far will provide a pretty good idea of how I think we ought to go about identifying what are human rights. But in each case, the argument must be made, and in many cases, there are complexities to the argument.

One basic human right that almost all natural law theorists would say belongs in the set is the right of an innocent person not to be directly killed or maimed. This is a right that is violated when someone makes the death or injury of another person the precise object of his action. It is the right that grounds the norm against targeting non-combatants, even in justified wars, and against elective abortion, euthanasia, the eugenic killing of the handicapped, and other forms of homicide. If there is a core human rights principle, it is the one prohibiting the direct killing of innocent human beings.

Human Dignity

The natural law understanding of human rights I am here sketching is connected with a particular account of human dignity. Under that account, the natural human capacities for reason and freedom are fundamental to the dignity of human beings—the dignity that is protected by human rights. The basic goods of human nature are the goods of a rational creature—a creature who, unless impaired or prevented from doing so, naturally develops and exercises capacities for deliberation, judgment, and choice. These capacities are God-like—albeit, of course, in a limited way. In fact, from the theological vantage point, they constitute a certain sharing—limited, to be sure, but real—in divine power.

This is what is meant, I believe, by the otherwise extraordinarily puzzling Biblical teaching that man is made in the very image and likeness of God. But whether or not one recognizes Biblical authority or believes in a personal God, it is true that human beings possess a power traditionally ascribed to divinity—namely, genuine agency: the power of an agent to cause what the agent is not caused to cause. This is the power to envisage a possible reality or state of affairs that does not now exist or obtain; to grasp the intelligible point—the value—of bringing it into being; and then to act by choice (and not merely by impulse or on instinct as a brute animal might) to bring it into being.

That state of affairs may be anything from the development of an intellectual skill or the attainment of an item of knowledge, to the creation or critical appreciation of a work of art, to the establishment and maintenance of a friendship. Its moral or cultural significance may be great or, far more commonly, comparatively minor. What matters for the point I am now making is that it is a product of human reason and freedom. It is the fruit of deliberation, judgment, and choice.

Of course, a further question will present itself to the mind of anyone who recognizes the God-likeness of our capacities for rationality and freedom, capacities that are immaterial (and, thus, one can say spiritual) in nature. That question is whether beings capable of such powers could exist apart from a divine source and ground of their being. So one finds in the affirmation of these powers a decisive ground for the rejection of materialism, and one discerns the basis of an openness to, and even the roots of an argument for, theism.

What about the authority for this view of human nature, the human good, human dignity, and human rights? Natural law theorists are interested in the intelligible *reasons* people have for their choices and actions. We are

particularly interested in reasons that can be identified without appeal to any authority apart from the authority of reason itself. This is not to deny that it is often reasonable to recognize and submit to religious or secular (for example, legal) authority in deciding what to do and not do. Indeed, natural law theorists have made important contributions to understanding why and how people can sometimes be morally bound to submit to and be guided in their actions by authority of various types. But even here, the special concern of natural law theorists is with the *reasons* people have for recognizing and honoring claims to authority. We do not simply appeal to authority to justify authority.

One might then ask whether human beings are in fact rational in anything more than an instrumental sense. Can we discern any intelligible reasons for human choices and actions? Everybody recognizes that some ends or purposes pursued through human action are intelligible at least insofar as they provide means to other ends. For example, people work to earn money, and their doing so is perfectly rational. Money is a valuable means to a great many important ends. No one doubts its instrumental value. The question is whether some ends or purposes are intelligible as providing more than merely instrumental reasons for acting. Are there intrinsic, as well as instrumental, goods?

Skeptics deny that there are intelligible ends or purposes that make possible rationally motivated action. Natural law theorists, by contrast, hold that friendship, knowledge, critical aesthetic appreciation, and certain other ends or purposes are intrinsically valuable. They are intelligibly "choice worthy," not simply as means to other ends, but as ends in themselves. They cannot be reduced to, nor can their intelligible appeal be accounted for exclusively in terms of, emotion, feeling, desire, or other subrational motivating factors. These basic human goods are constitutive aspects of the well-being and fulfillment of human persons and the communities they form, and they thereby provide the foundations of moral judgments, including our judgments pertaining to justice and human rights.

Natural Law and God

Let us turn now to the question of God and religious faith in natural law theory. Most, but not all, natural law theorists are theists. They believe that the moral order, like every other order in human experience, is what it is because God creates and sustains it as such. In accounting for the intelligibility of the created order, they infer the existence of a free and creative intelligence—a personal God. Indeed, they typically argue that God's

creative free choice provides the only ultimately satisfactory account of the existence of the intelligibilities humans grasp in every domain of inquiry.

Natural law theorists do not deny that God can reveal moral truths, and most believe that God has chosen to reveal many such truths. However, natural law theorists also affirm that many moral truths, including some that are revealed, can also be grasped by ethical reflection apart from revelation. They assert, with St. Paul, that there is a law "written on the hearts" even of the Gentiles who did not know the law of Moses—a law the knowledge of which is sufficient for moral accountability. So the basic norms against murder and theft, for example, though revealed in the Decalogue, are knowable even apart from God's special revelation. The natural law can be known by us, and we can conform our conduct to its terms, by virtue of our natural human capacities for deliberation, judgment, and choice.

The absence of a divine source of the natural law would be a puzzling thing, just as the absence of a divine source of any and every other intelligible order in human experience would be a puzzling thing. An atheist's puzzlement might well cause him to reconsider the idea that there is no divine source of the order we perceive and understand in the universe. It is far less likely, I think, to cause someone to conclude that our perception is illusory or that our understanding is a sham, though that is certainly logically possible.

The question then arises: Can natural law—assuming that there truly are principles of natural law—provide some measure of common moral and even political ground for people who do not agree on the existence or the nature of God and the role of God in human affairs? In my view, anybody who acknowledges the human capacities for reason and freedom has good grounds for affirming human dignity and basic human rights. These grounds remain in place whether or not one adverts to the question: "Is there a divine source of the moral order whose tenets we discern in inquiry regarding natural law and natural rights?"

I happen to think that the answer to this question is "yes" and that we should be open to the possibility that God has revealed himself in ways that reinforce and supplement what can be known by unaided reason. But we do not need agreement on the answer so long as we agree about the truths that give rise to the question—namely, that human beings, possessing the God-like (literally *awesome*) powers of reason and freedom, are bearers of a profound dignity that is protected by certain basic rights.

So, if there is a set of moral norms, including norms of justice and human rights, that can be known by rational inquiry, understanding, and judgment even apart from any special revelation, then these norms of natural law can

provide the basis for a common understanding of human rights—an understanding that can be shared even in the absence of religious agreement. Of course, we should not expect consensus. There are moral skeptics who deny that there are moral truths. There are religious fideists who hold that moral truths cannot be known apart from God's special revelation. And even among those who believe in natural law, there will be differences of opinion about its content and implications for certain issues. It is, I believe, our permanent condition to discuss and debate these issues, both as a matter of abstract philosophy and as a matter of practical politics.

Challenges to Natural Law Philosophy

It is sometimes regarded as an embarrassment to natural law thinking that some great ancient and medieval figures in the natural law tradition failed to recognize—and indeed have even denied—human rights that are affirmed by contemporary natural law theorists and even regarded as fundamental. Consider, for example, the basic human right to religious liberty. This right was not widely acknowledged in the past and was even denied by some prominent natural law theorists. As John Finnis has observed, they wrongly believed that a wide conception of liberty in matters of faith presupposed religious relativism or indifferentism, or entailed that religious vows were immoral or non-binding, or meant the comprehensive subservience of ecclesial communities to the state.

It is interesting that when the Catholic Church put itself on record firmly in support of the right to religious freedom in the document *Dignitatis Humanae* of the Second Vatican Council, it presented both a natural law argument and an argument from specifically theological sources. The natural law argument for religious liberty is founded on the obligation of each person to pursue the truth about religious matters and to live in conformity with his conscientious judgments. This obligation is, in turn, rooted in the proposition that religion—considered as conscientious truth-seeking regarding the ultimate sources of meaning and value—is a crucial dimension of human well-being and fulfillment. It is among the basic human goods that provide rational motivation for our choosing. The right to religious liberty—the most fundamental of all basic freedoms—follows from the dignity of man as a conscientious truth-seeker.

This right and other human rights are denied and attacked today from various quarters and in many parts of the world are routinely violated. The ideological justification for their denial and violation can be religious or secular. In some parts of the world, religious freedom and other basic

human rights are denied in the name of theological truth. In other parts of the world, the threats are from secularist ideologies. Where secularist ideologies are liberal in form, it is often claims to an overarching right to autonomy (or a corrupted version of the true right to have one's equal dignity respected) that are asserted to justify choices, actions, and policies that natural law theorists believe are unjust and undermine the common good.

If the natural law view of these matters is correct, then it is moral failings conspiring with intellectual errors that sustain ideologies that compromise human rights and fundamental freedoms. In a certain sense, the failings are at opposite poles. Yet from a natural law vantage point, partisans of the competing ideologies make valid criticisms of each other. Militant religious fundamentalists, for example, harshly condemn the decadent features of cultures in which the "me-generation" ideology of "if it feels good, do it" flourishes. On the other side, ideological liberals denounce the subjugation of women and the oppression of religious dissenters where religious fundamentalism holds sway.

As natural law theorists see it, threats to human dignity and human rights exist because all of us, as human beings, are imperfectly reasonable and imperfectly moral. To put it in Christian terms, we are fallen creatures, sinners. At the same time, hope exists because we really do possess the capacities for reasonableness and virtue; truth—including moral truth—is accessible to us and has its own splendor and powerful appeal.

We will never, in this vale of tears, grasp the truth completely or in a way that is entirely free from errors. Nor will we fully live up to the moral truths we grasp. But just as we made progress by abolishing the evil of slavery, by ending legally sanctioned racial segregation in the United States and elsewhere, by recognizing the right to religious freedom, and by turning away from the eugenics policies once favored by so many respectable people, natural law theorists hope that we can make progress and reverse declines in other areas.

Of course, people who reject the natural law understanding of human dignity and human rights will differ from natural law theorists on questions of what constitutes progress and decline. From certain religious fundamentalist points of view, the type of religious freedom defended by natural law theorists will be regarded as licensing heresy and religious irresponsibility. Natural law ideas will be seen as just a rhetorically toned-down form of Western liberal secularism. By contrast, from the perspective of certain secularist—especially "woke"—ideologies, natural law ideas about abortion, sexuality, and other hot-button moral issues will be regarded as intolerant and oppressive—a philosophically gussied-up form of religious fundamentalism.

In the end, though, natural law ideas—like the ideas proposed by any school of thought, be it religious or secularist—will have to stand or fall on their merits. Anyone who wonders whether they are sound or unsound will have to consider the arguments offered in their support and the counterarguments advanced by their critics.

Competing Moral Theories

Let me now say a word about the ways that natural law theories are both like and unlike the leading competing theories of or approaches to morality, including political morality—namely, utilitarian (and other consequentialist) approaches on the one hand and Kantian (or "deontological") approaches on the other.

Like utilitarian approaches, and unlike Kantian ones, natural law theories are fundamentally concerned with human well-being and fulfillment and, indeed, identifying principles directing our choosing toward basic human goods and away from their privations as the starting points of ethical reflection. Unlike utilitarian approaches, however, they understand the basic forms of human good (as they figure in options for morally significant choosing) as incommensurable in ways that render senseless the utilitarian strategy of choosing the option that, overall and in the long run, promises the net best proportion of benefit to harm (however "benefit" and "harm" may be understood and defined).

Natural law theorists share with Kantians the rejection of aggregative accounts of morality that regard the achievement of sufficiently good consequences or the avoidance of sufficiently bad ones as justifying choices that would be excluded by application of moral principles in ordinary circumstances. Unlike Kantians, however, they do not believe that moral norms can be identified and justified apart from a consideration of the integral directiveness of the principles of practical reason directing human choosing toward what is humanly fulfilling and away from what is contrary to human well-being. Natural law theorists do not believe in purely "deontological" moral norms. Practical reasoning is reasoning about *both* the "right" and the "good," and the two are connected. The content of the human good shapes moral norms inasmuch as such norms are entailments of the basic aspects of human well-being and fulfillment considered integrally.

Such a view presupposes, of course, the possibility of free choice—that is, choosing which is the pure product neither of external forces nor internal but subrational motivating factors, such as sheer desire. So a complete theory of natural law will include an account of principles of practical

reason, including moral norms, as principles for the rational guidance of free choices and a defense of free choice as a genuine possibility. This entails the rejection of strict rationalism, according to which all phenomena are viewed as caused. It understands human beings—some human beings, at least sometimes—as capable of causing realities that they bring into existence *for reasons by free choices*.

On the natural law account of human action, freedom and reason are mutually entailed. If people were not really free to choose among options—free in the sense that nothing but the choosing itself settles what option gets chosen—truly rationally motivated action would not be possible. Conversely, if rationally motivated action were not possible, the experience we have of freely choosing would be illusory.

Natural Law and Moral Virtue

Let me now conclude with one more proposition stressed by natural law theorists—namely, the fact (or in any event what we believe to be the fact) that by our choices and actions we not only alter states of affairs in the world external to us, but also at the same time determine and constitute ourselves—for better or worse—as persons with a certain character. Recognition of this self-shaping or "intransitive" quality of morally significant choosing leads to a focus on virtues as habits born of upright choosing that orient and dispose us to further upright choosing—especially in the face of temptations to behave immorally.

People sometimes ask: Is natural law about rules or virtues? The answer is that it is about *both*. A complete theory of natural law identifies norms for distinguishing right from wrong as well as habits or traits of character whose cultivation disposes people to choose in conformity with the norms and thus compatibly with what we might call, borrowing a phrase from Kant, a good will—that is, a will toward integral human fulfillment.

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