

## Natural Law and Modern Economic Theory\*

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The concept of natural law is pervasive in academic discussions of ethics, politics, and jurisprudence. However, it is much more difficult to unearth the influence of and relationship between natural law and modern economic theory within current scholarly dialogue. This unfortunate lacuna in scholarship is *inter alia* due to the facts that natural law suffers from an inherent ambiguity as to whether its foundations are religious and it lacks any rigorous scientific validation. This article defends and advances the importance of natural law for modern economic theory. In doing so, it presents the classical view of natural law as found in the work of Thomas Aquinas and addresses both its religious foundations as well as scientific evidence for its existence. Beyond offering a portrait and defense of natural law, this article discusses the specific contributions that natural law offers to modern economic theory in an attempt to imbue the latter with a more complete notion of humanity and existence.

The popularity of the concept of natural law cannot be doubted. It is used by both scholars and nonacademics of all genres in a wide variety of contexts and discussions. Beyond its contemporary use (or misuse!), natural law—the claim that universal and nonconventional dictates of right and wrong exist within nature<sup>1</sup>—has enjoyed a long and distinguished history. In the Western intellectual tradition,<sup>2</sup> the centrality of natural law as a ground for morals and politics captivated the ancient Greek and Roman intellectuals and continued to influence politico-juridical discussions throughout the medieval, modern, and contemporary eras. While the pervasive influence of natural law to discussions of ethics, politics, and jurisprudence is well documented,<sup>3</sup> it is much more

difficult to unearth the influence of and relationship between natural law and modern economic theory within current scholarship.<sup>4</sup>

The paucity of scholarship regarding the relationship between natural law and economic theory in current scholarship may be due to several factors. Within intellectual history, natural law has been primarily advanced within theories of ethics, political obligation, and jurisprudence.<sup>5</sup> Few have therefore developed or investigated a connection between natural-law premises and economic theory.<sup>6</sup> Further, there is an inherent ambiguity within natural law as to whether its foundations are religious.<sup>7</sup> As such, advocates of modern economic theory, insofar as this theory is nonreligious, would suggest that there is little of use in a natural-law framework that, in their view, is primarily faith based and therefore nonscientific. Lastly, natural law suffers from a lack of attempts at empirical validation, leaving it as the substance of academic debate and historical investigation but of little social, political, and economic value.<sup>8</sup>

This current state of affairs is unfortunate and unnecessary. Neither the lack of investigation into the link between natural law and economic theory nor the prevalence or lack thereof of its religious foundations necessarily deny any fruitful connection between natural law and modern economic theory. As Morse (1998) has argued, modern economic theory and natural law share several areas of common ground that would allow “natural-law thinking” to make a “significant point of entry into dialogue with modern economics.”<sup>9</sup> Even more pointed is Piedra’s argument for the subordination of economics to the moral norms of natural law:

It is true that the formal object of economics is concerned with the dynamics of change and the production of goods and services. But economics, being a social science, is also concerned with the knowledge of means and results in relation to a desired goal. If the economic process rests on free actions of men which are not “naturally” determined, then ... economic science cannot renounce the prerogative of being a practical science oriented by a scientifically established and founded norm, and to this extent of being normative. This approach to economic science ... would restore to economics the concept of what ought to be and not only what is. Thus, economics ... must subordinate its formal object to a higher norm: the principle of a moral and spiritual finality.<sup>10</sup>

The realization of both Morse and Piedra’s suggestions is, however, contingent on the claim presented earlier and taken up later in this article, namely, the need for empirical validation of the premises of natural law.

The importance of a natural-law imbued modern economic theory cannot be overstated. Modern economic theory is rigorously scientific and mathematical and as such has journeyed far from the realm of morality and wisdom. As Amartya Sen winner of the 1998 Nobel Prize for economics argues, economics “has been substantially impoverished by the distance that has grown between economics and ethics.”<sup>11</sup> Such distance continues to expand all too often simply because natural-law thinkers fail to relate their work to broader concerns beyond those they have traditionally investigated, and, unfortunately, many economists do not seek to inform their theories with theology and philosophy. Consequently, modern economic theory is informed by a very limited concept of human nature that denies stature to a central tenet of a Christian anthropology, viz., the *imago Dei*. Rather, modern economic theory and practice accept the validity and morality of *homo economicus* as a foundational premise for economic growth and development. If modern economic theory and practice is to be grounded in a sound and complete anthropology, which can be accepted within a pluralist and postmodern context, it must be carefully founded on a common moral framework and anthropology that resonates with our contemporary selves and concerns, one that fosters personal virtue, economic development, corporate responsibility, and human community within a moral context. Natural law is perhaps the best and only candidate for this important task.

In defending the relevance of natural law for modern economic theory and practice,<sup>12</sup> this article is divided into several sections. First, a substantive portrait is given of natural law with an emphasis on the anthropology that such a concept advances. This portrayal of natural law is based on the work of Thomas Aquinas, given that Aquinas, though by no measure the first advocate of natural law, is the first to present a clear and systematic account of *ius naturale* within the Christian tradition. Thereafter, the article develops the categories of similarity between natural law and modern economic theory as found in Morse (1998). Particular attention is given to the anthropological commitments of modern economic theory as these relate to natural law as well as to the contribution natural law can make to modern economic theory and practice. Prior to concluding, much space is devoted to the area of empirical validation as it relates to natural law and modern economic theory. As suggested earlier, this is perhaps the most important area of research for a comprehensive account of natural law—one that informs the social, political, and economic dimensions of human life.

## Classical Natural Law

To say that natural law is a coherent and unified set of doctrines is to commit a crass error. Prior to Aquinas' infamous and influential articulation of natural law within his magnum opus *Summa Theologica*,<sup>13</sup> there had been no substantive, formal, and unified presentation of the topic. Following the great synthesis of Aquinas, however, the development of natural law followed different intellectual and philosophical trajectories, which have produced various types of natural-law theories.<sup>14</sup> The lack of integration between natural law and modern economic theory is most poignant as it regards the classical natural-law theory of Aquinas. Modern economic theory, as Clark (1992) suggests, has been informed by an account of natural law. This account, however, was fostered during the Enlightenment and, as such, is at odds with the Thomistic outlook and its robust anthropology, one that facilitates human dignity as well as personal and economic responsibility.

Just what is the Thomistic classical account of natural law? At its core, this account is committed to the objectivity of morality; it is in some sense “derived from” or occasioned “by the nature of the world and the nature of human beings.”<sup>15</sup> This is of tremendous importance because, as one scholar reminds us, the foundations for moral obligation, for ethics, for “judging for oneself [or for a community] what reasons are good reasons for adopting or rejecting” specific actions has always been a serious problem for human beings.<sup>16</sup> The classical account of natural law, then, is of fundamental significance. It aims to solve this dilemma by positing moral beliefs and actions of an objective and thus knowable foundation. This foundation takes the form of general rational and natural principles of right conduct, which reflect a rational human nature. As Aquinas writes:

Now man derives his species from his rational soul: and consequently whatever is contrary to the order of reason is, properly speaking, contrary to the nature of man, as man; while whatever is in accord with reason, is in accord with the nature of man, as man ... Therefore human virtue, which makes a man good, and his work good, is in accord with man's nature, for as much as it accords with his reason: while vice is contrary to man's nature, insofar as it is contrary to the order of reason.<sup>17</sup>

Natural law, then, advances an ethic that is in deep harmony with human nature and which if followed will lead to human well being and fulfillment.

Aquinas understands law to be a rational and obligatory command. Law is essentially a “rule and measure” of human behavior by which human beings

are “induced to act or [are] restrained from acting.”<sup>18</sup> It is rational because only human reason has the capacity to direct human beings to their proper purpose for living. The primary argument of Question 90 of the so-called treatise on law within the *Summa* is to defend the claim that law is rooted in reason and not will, and, as such, it is a moral rather than a physical obligation. Law is about rationality, which implies order and goodness; it is not about coercion and arbitrariness. A composite definition of law is given in all four articles of Question 90: Law is a command from reason issued by a competent authority and that is both directed to the common good and promulgated. As such, law is moral, authoritative, communal and, therefore, fundamentally concerned with matters of equity and justice.

Aquinas applies this same definition of law to the various categories of laws that he claims to exist. There is a law that governs the “whole community of the universe.” This law is a dictate of Divine Reason, it is an unmeasured measure, and, as it is not subject to time, it is eternal, unchanging, and the ultimate standard of order and goodness.<sup>19</sup> Aquinas also claims that there is such a thing as a natural law in human beings. This law is nothing more than the participation of human beings in the eternal law or Divine Reason. To participate in the eternal law simply means that Divine Reason has engraved in human beings certain principles of order by which to guide their lives toward human flourishing. As Aquinas writes:

Therefore, since all things subject to Divine providence are ruled and measured by the eternal law ... it is evident that all things partake somewhat of the eternal law, in so far as, namely, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Therefore it has a share of the Eternal Reason, by which it has a natural inclination to its due act and end; and this participation of the eternal law in the rational creature is called the *natural law* (emphasis mine).<sup>20</sup>

Aquinas is explicit in his emphasis that the natural law is not dissimilar from the eternal law. It is simply a “participation of the eternal law” in human beings and no more—it is a means by which eternal law or Divine Reason can execute its design in human beings.<sup>21</sup> The question immediately arises as to the definition of *natural*. Just what does it mean, at least for Aquinas, to suggest that there is a law that is natural? An initial response can be found in his discussion of the cause of *habitus* (e.g., habit, disposition) in the so-called

treatise on habits within the *Summa*. Therein, Aquinas suggests that something can be considered natural if it is something that a specific being can do that originates totally from its very nature or principle of existence and it is something that no other being can perform and that without it a being ceases to be unique and distinct.<sup>22</sup> To say that the eternal law in which human beings participate is natural is simply to say that it is an inherent principle of action within the being of humans that makes them unique in some respect. This is not to say that nature has an ontological status of creator and as such is responsible for the existence of natural law. Only God, according to Aquinas, can create the natural physical world, and his regulation of this natural world is through the eternal law that takes on a natural dimension as it is incarnated, as it were, in the creation.

Further, it should be added, for Aquinas *natural* is an adjective that is primarily used to denote the participation of a nonhuman entity or action within a human entity or context. Thus, it is possible to argue that the eternal law, insofar as it participates in human creatures by way of inclinations, is natural law or that the natural law is “nothing else than the rational creature’s participation of the eternal law.”<sup>23</sup> *Natural* thus implies a type of participation within the created order and as such is a reflection of that which is beyond the created order, namely, the supernatural and divine. In the case at hand, natural, as participation, is characterized by inherent inclinations toward certain ends, and these inclinations or tendencies are “more essential to man, and therefore more enduring.”<sup>24</sup>

Aquinas’ discussion of natural law is substantial. Thus far, only two general aspects have been considered—the definition of *law* and a brief definition of *nature*. A more holistic portrait is given upon consideration of how the natural law (our participation within God’s rule of creation) actually functions. The precepts of natural law (those principles of Divine Reason as applicable and proper to the conduct and fulfillment of human life) are part of a natural habitual cognition that Aquinas terms *synderesis*.<sup>25</sup> Aquinas carefully argues that such ability is not a distinct power of the soul but rather a “special natural habit.”<sup>26</sup> As Aquinas writes:

Now it is clear that, as the speculative reason reasons about speculative things, so the practical reason reasons about practical things. Therefore we must have bestowed on us by nature not only speculative principles, but also practical principles. Now the first speculative principles bestowed on us by nature do not belong to a special power, but to a special habit, which is called “the understanding of principles,” as the Philosopher explains. And so also the first practical principles, bestowed on us by nature, do not belong

to a special power, but to a special natural habit, which we call synderesis. And so synderesis is said to stir up to good, and to murmur at evil, since through first principles we proceed to discover, and judge of what we have discovered.<sup>27</sup>

This habit of synderesis is a quality of human beings by which they are cognitively disposed or ordered to act in a particular way that is characteristic to their nature.<sup>28</sup> It is “the law of the intellect” because it is a “habit containing the precepts of the natural law, which are the first principles of human actions.”<sup>29</sup> It is a natural cognitive habit in the sense that it is an intrinsic and essential characteristic of human beings alone (i.e., natural to humankind only).

The contents of synderesis are the basic precepts of eternal law in which human beings participate (i.e., natural law). Of these, the most basic one is the self-evident principle “that the good is what all desire” and, therefore, that “good is to be pursued and done, and evil is to be avoided.”<sup>30</sup> Human beings are created reflections of Divine Reason; therefore they participate in eternal law that always commands and directs all toward good. This participation is not just merely cognitive by way of synderesis; it is actual in that all human beings are naturally inclined to good both generally and in some very specific ways. In particular, all human beings are inclined toward good in that they seek to preserve their lives, to procreate, to be educated, to “know the truth about God,” and to live in a community.<sup>31</sup> These tenets, often called the material precepts of the natural law, are the goods of human action that human reason naturally apprehends by way of contemplation and reflection on our very lives.

There is one more part of the puzzle that must be elaborated. This is in regard to Aquinas’ discussion of God’s governance of Israel before Christ by way of the “Old Law.” The Old Law was a body of moral, ceremonial, and judicial precepts that God employed to govern human beings for the sake of bringing them into friendship with himself—it was primarily meant for the salvation of humans and the right ordering of their persons toward God. Aquinas argues that the only differences that exist between the Old Law and natural law are in terms of origin and quantity—the Old Law is supernatural and more extensive than its natural and shorter counterpart:

The Old Law showed forth the precepts of the natural law, and added certain precepts of its own ... [it is] distinct from the natural law not as being altogether different from it, but as something added to it. For just as grace presupposes nature, so must the Divine law presuppose the natural law.<sup>32</sup>

The moral precepts of the Old Law were primarily contained in the Decalogue (i.e., Ten Commandments) and all belong to the natural law. The Decalogue was a direct supernatural revelation of God's eternal law (acquired through faith) but it is also an indirect natural revelation of God's eternal law as it is imprinted within *synderesis*. As Aquinas tells us:

Therefore the Decalogue includes those precepts the knowledge of which man has immediately from God. Such are those which with but slight reflection can be gathered at once from the first general principles, and those also which become known to man immediately through divinely infused faith.<sup>33</sup>

The Old Law and especially the Decalogue, as Aquinas suggests, are revelations of the natural law and as such are immediately evident to all human beings. Of importance is also the fact that the Decalogue does not contain certain other precepts that are so general as to need “no further promulgation after being once inscribed on the natural reason to which they are self-evident.”<sup>34</sup> These fundamental precepts, which Aquinas terms “first general principles of the natural law ... and ... self-evident to human reason, either through nature or through faith,” are the following: “Thou shalt love the Lord thy God, and, Thou shalt love thy neighbor.”<sup>35</sup> All human beings, religious or not, are aware of God's existence and of their fundamental duty toward him—to love him. The same can be said regarding their relationships toward other fellow humans.

The vision of natural law, as Aquinas writes, is a powerful one with deep social implications for all of humanity. It advances and defends a robust anthropology wherein human beings are fundamentally moral creatures with concerns for the “other” (i.e., God and neighbor) as well as the self—concerns that are cognitively based, naturally known, and universal because they are a part of the nature of all selves.

## Classical Natural Law and Modern Economics

Given Aquinas' account of natural law, human beings are not excused from their duty toward God, others, and themselves simply on the basis of natural ignorance. Whereas Aquinas is quick to suggest that human nature does not presuppose knowledge of natural physical facts, he extensively defends the claim that human nature does in fact presuppose knowledge of certain moral facts simply because this knowledge has been imbued within human nature by God. As a contemporary natural-law theorist tells us, there are certain moral truths that we “can't not know” for they are written deep within us.<sup>36</sup> The ques-



tion that must now be considered regards the extent to which classical natural law can inform modern economic theory.

The possibility for a dialogue between a vigorous moral theory such as classical natural law and modern economic theory would be considered by many to be intellectual anathema. Insofar as modern economic theory identifies with or is modeled after the physical sciences, the role for a moral and religiously informed economics seems to be impossible.<sup>37</sup> However, as Morse (1998) has suggested, modern economic theory and classical natural law both share common ground from which a serious conversation can commence regarding the need for a moral framework of modern economic assumptions. This common ground, as Morse suggests, contains the following premises: (1) Both areas of study accept the existence of an enduring and universal human nature that can be studied systematically, and (2) both areas of study accept the existence of human agency and human freedom.

As has been previously shown, the classical natural-law anthropology is a very robust one. Human beings are moral creatures who possess knowledge of various goods of human behavior. These goods (the material precepts of the natural law) include the natural human inclination to pursue goodness, self-preservation, family life, intellectual and moral education, knowledge of God, love of God and of one's neighbor, and the privilege of choosing to act upon these inclinations. The moral vision of classical natural law is that of a community of people that is responsible for and desires the moral, intellectual, and material flourishing of all—selves and *others*. It is a community of morally and materially interdependent needy people and not just a community of independent, self-authenticating, atomized “unencumbered” selves.<sup>38</sup> Added to this deep and rich moral vision of natural law is the important principle of subsidiarity.<sup>39</sup> As stated in *Quadragesimo Anno*, this principle argues that “[I]t is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do” (§79).<sup>40</sup> As an implicit principle of natural law, subsidiarity further advances the importance of self-responsibility, community, and communal accountability in suggesting the naturalness of community and social order as well as the naturalness of various spheres of social order, each with an innate function to fulfill.

The anthropology on which modern economic theory is founded is radically at odds and incomplete if compared to the natural-law account. While it implicitly agrees on the universality of human nature as well as of human agency and freedom,<sup>41</sup> it only considers the dimension of the self as primary with the *other* being, at best, a tertiary consideration. Employing the terminology of classical

natural law, one could state that modern economic theory characterizes human nature as composed of agency and freedom for the sake of self-preservation. All of the other anthropological commitments of classical natural law are not necessary aspects of modern economic theory's anthropological tenets. They *may* be a part of self-preservation but only if an individual chooses them to be so. Otherwise, they are not inherent and intrinsic human goods of action, which are necessary for the complete fulfillment of human potential. If one is to employ the vocabulary of modern economic theory, human nature is characterized by agency and freedom to advance one's "self-interest," or "greed," or "selfish desires"—whatever these may mean. Economic institutions such as the market, so it is argued, exist to reinforce and facilitate human nature as such by rewarding or incentivizing the more self-interested.<sup>42</sup>

This crude anthropology has been the flagship of the Western modern ethos since its articulation in the works of the renaissance thinker Niccolò Machiavelli and the early modern Thomas Hobbes. Machiavelli and Hobbes, and each for different reasons, as well as some of their intellectual posterity rejected on principle the Christian anthropology of concrete human goods and ends of action of a *summum bonum* that human beings knew and could act upon. Rather, it was claimed that human beings only knew a *summum malum*, namely, death; and that all activity was essentially based on one's interest to avoid this great evil. If there was such a thing as a *summum bonum*, it was one's unending appetite for everything, even for existence itself. Humans as such exist for their own advancement and aggrandizement.<sup>43</sup>

The exposition just given is not meant to deny the value and importance of free-market economic arrangements. There is absolutely no doubt that free-market economic institutions have provided material prosperity for large segments of the world and have raised the standard of living for many human beings.<sup>44</sup> One would be at pains not only to deny that modern economic theory as well as the institutions that it has fostered are problematic to the degree that they deny the communal and moral dimensions of human beings but also in their rejection of these dimensions as viable economic principles for the guidance of economic production and consumption. Modern economic theory as well as its institutions and agents continue to advance the view of the unattached and socially disengaged individual who is concerned only for his or her expansion.<sup>45</sup> Established upon this dangerous anthropology, modern economic theory and its institutions have also nurtured the erroneous and perilous tendency of the commodification of all that exists—a propensity to make all human goods and wants *economic goods and wants*.<sup>46</sup>

“The commodification of everything” or what Jürgen Habermas has termed “the colonization of the lifeworld”<sup>47</sup> is the rapid and seemingly unending transition from a market *economy* to a market *society*. In such a scenario, “the market and its categories of thought ... dominate ever more areas of our lives,” areas such as “our most intimate relationships ... [and] ... our understanding of what it means to be human.”<sup>48</sup> Such critique alerts one to the other quintessential danger of modern economic theory and practice—the destruction of human identity. The market emphasizes an ethic of consumption where human identity is equated with being a consumer, where human agency is conceptualized as economic volition, and where human fulfillment is characterized as the acquisition of economic goods. As Segdwick suggests:

Identity in today’s society ... is no longer given by ethnicity, class, gender or social status. People find out who they are or who they want to be, by consumption.... Consuming is something that creates enjoyment in anticipation ... as much as in the consumption.... In economic terms, marketing no longer appeals to socioeconomic status, or the virtues of patriotism, but to life style and identity. This means that people must learn to become consumers.<sup>49</sup>

Even more alarming is the fact that a rapid transformation is occurring where the human self is itself becoming a commodity that can be manipulated for economic gain. As some have suggested, this has the end result of making the human self understandable and communicable only insofar as it is defined by the traits through which commodities are identified in a market system.<sup>50</sup> The self thus becomes a marketable object whose success is dependent on strategic and conscious selling, branding, and reinventing of one’s worldview commitments—the very stuff of the self.

Important to this discussion is one of the virtues of classical natural law, namely, its hierarchical presentation of the human goods of action and the principle of subsidiarity. As natural-law theorists suggest, some of the goods of human action are noneconomic and nonmaterial. This stance suggests not only limits to economic activity and commodification but also the opportunity, privilege, and responsibility to steer our volition and agency correctly and in harmony with a Christian understanding of the self as *imago Dei*. The anthropology of classical natural law dictates that some human desires can only be fulfilled by noneconomic objects, objects of such worth that no price could ever be placed on them (e.g., community, family life, love, knowledge of God, and so forth).<sup>51</sup> On this view, human beings must depend on the community, others, the church and religion, and political and economic institutions to assist

them in the process of realizing their full humanity and thus flourishing and acquiring the good life—a life of material, social, and moral goods.<sup>52</sup>

Further, as the principle of subsidiarity suggests, it is a destruction of community, social and self-responsibility, and human identity to allow a higher or broader institution to do that which a lower or more local institution can accomplish. While natural-law theorists usually apply this principle as a justification for limited government, it can also be applied to an institution such as the market. Natural-law subsidiarity suggests that the market as a community *cannot* be allowed to envelop or interfere with those goods of action that lower types of human community and association can facilitate even if the market can provide those same goods with greater efficiency and technological prowess. Lower or nonmarket and nonpolitical forms of association can assist in guiding and limiting the tendency of the market to commodify or “colonize” all of society.<sup>53</sup> Insofar as modern economic theory and its institutions deny this, human beings are left radically empty and unfulfilled. Fulfillment is a matter of economic transactions that demand a medium of exchange (i.e., money) and the violation of the sanctity of various human goods. The natural goods of human action, those goods that we can’t not know and that are essential to a full human life, become endangered even as they are considered market commodities that can be priced, bought, chosen, or rejected based on nothing else than individual whim or passion. Ultimately, this means that community and human nature itself become endangered species.

## **Validation as the Problem for a Natural-Law Foundation to Modern Economics**

There is little doubt as to the constructive benefits of modern economics and its institutions in providing for the material benefits and wealth necessary to facilitate the natural-law goods of self-preservation, education, community life, liberality, and generosity. The dilemma that modern economics presents for contemporary society regards the moral vacuity and lack of discernment implicit in its theory and institutions. While as Morse (1998), Piedra (2004), and Yuengert (2004) suggest both modern economic theory and practice and Christian natural law share some common anthropological assumptions, the portrait given above reveals that modern economics does not provide any moral framework or substantive moral content in which to structure or guide these anthropological assumptions. This serious deficiency facilitates a series of destructive effects that erode the moral foundations of society, the integrity of various orders of community, and, ultimately, human beings as bearers of the

*imago Dei*. The importance of a natural-law foundation for modern economic theory and practice is that it provides for the much needed moral structure and content and robust anthropology by which to attenuate, “check,” and perhaps eliminate some or all of the destructive impulses of the market economy. Natural law makes this possible while simultaneously furthering the powerful productive and human-furthering effects of this modern institution.

Various questions arise regarding the implementation of a natural-law foundation within modern economics. In what follows, I will only address one particular issue regarding this possibility—the extent to which natural law can and should be empirically validated.<sup>54</sup> This issue is perhaps the most central and important to advancing a natural-law foundation to modern economic theory and practice (as well as to other issues of political and social morality) because the other aspects of implementation cannot be advanced without the needed theoretical legitimacy that empirical validation provides for any theory.

While critics of natural law have suggested that its perennial weakness is found in its failure to offer conclusive, specific, and practical tenets for the guidance of human conduct—a criticism that has been forcefully met by natural-law theorists,<sup>55</sup> the more disturbing though less-discussed weakness to natural law is the lack of scientific empirical validation offered in support for its anthropological claims. Within natural-law circles, there is very little doubt, if any, that such a thing as natural law actually exists. Most discussions in these settings center on the facts of the case, to use a legal analogy, or just how natural law applies to various situations or, in some limited cases, how it actually works. At a very high and sophisticated level, these discussions become theories of natural law—models of how some suppose natural law actually exists and functions. The dilemma, though, is that no testing has ever been conducted by which to assess the validity of any natural-law theory. Empirical testing and validation is, for all intents and purposes, nonexistent in natural-law scholarship. None have ascertained whether the epistemological and psychological assumptions of natural-law theories are in accord with reality, that is, whether they accurately reflect the way in which human beings may develop, deliberate, and act regarding moral questions and goods. Here, the entire research programs of Christian scholars rest on the grounds of anecdotal evidence, conjectures, and untested assertions with the expectation that such research can be implemented in serious social, political, and economic discussions. The call for the necessity of empirical validation of natural-law theories is not new.<sup>56</sup> But natural-law scholars, however, have largely ignored it to the detriment of both their intellectual efforts and, more importantly, the validity and respectability of their important perspective.<sup>57</sup>

At a basic practical level, these questions are of significant importance. They should focus the efforts of natural-law theorists to ensure that natural-law theory *qua* moral theory is indeed an accurate portrayal of moral life. As one scholar notes, moral theories should prescribe a “character, decision processing, and behavior [that are] possible, or are perceived to be possible, for creatures like us.”<sup>58</sup> This means, as some have suggested, that moral theories need to be informed by the social sciences, in particular, cognitive and moral psychology:

The answer to the question of why moral theory needs a robust moral psychology is this: Our morality is a human morality, and it must thus be a morality directed to our human concerns, realizable by human creatures like ourselves, and applicable to the kinds of problematic situations we encounter in our lives. This means that we cannot do good moral theory without knowing a tremendous amount about human motivation, the nature of the self, the nature of human concepts, how our reason works, how we are socially constituted, and host[s] of other facts about who we are and how the mind operates.<sup>59</sup>

Such a plea is not entirely outside of the study of natural law. John Finnis in his work *Natural Law and Natural Rights* (Oxford, 1980) acknowledges that the social sciences and in particular psychology are important insofar as they investigate the influences of the “‘natural’ causes” upon the “‘human actions, practices, habits, [and] dispositions” involved in human goods.<sup>60</sup> The social sciences, then, should inform moral theorizing as to the workings of and influences upon human nature.

Be that as it may, natural-law scholarship evidences a bifurcation between its moral theories and the social sciences, in particular, psychology.<sup>61</sup> Part of the problem may stem from the fact that moral philosophers—of which natural-law theorists form a part—consider psychology to be useless in regard to moral guidance.<sup>62</sup> After all, of what utility is descriptive knowledge of the human psyche when human beings desire practical prescriptive directives? To view the social sciences from this narrow lens overlooks two interrelated facts:

1. The social sciences can serve natural law if only to clarify, validate, and confirm its foundations. Empirical evidence may not be adequate in and of itself to suggest the “ought” of human action, but it is more than adequate, if carefully and scientifically acquired, to buttress and defend sound moral, social, political, and economic theory against its detractors.

2. The social sciences can serve natural law to build a robust theory of moral understanding that takes into account actual human beings and not humans in theory only. This means, in essence, that a natural-law theory of moral understanding informed by both moral philosophy and the social sciences should lead to a *synoptic theory of natural law*, a theory that views the entire human person as they *are* and as they *ought to be*.<sup>63</sup> The implications of this for modern economic theory and practice are profound since they can provide the needed legitimacy for the robust anthropology needed for our contemporary society while at the same time taking into account the reality of our selfish behavior.

The relationship between natural law and the social sciences thus proposed is based on an integrationist account of moral philosophy and social science.<sup>64</sup> It rejects the separatist view that moral philosophers simply do not do science and science should not be informed by moral philosophy. This means that the social sciences—and for that matter some of the physical sciences—are deeply connected to ethics and thus support moral philosophy. Such a relationship can provide factual information relevant to economic considerations and decision making. This information can be of circumstances (e.g., social effects of welfare and tax reform), it can illuminate human capacities for moral agency in an economic context (e.g., altruism as a foundation for and limit to consumerism), it can be of a corrective nature (e.g., critical of untested economic assumptions), it can provide for theoretical accountability in ensuring that natural-law theories advance claims commensurate with experiences that are humanly possible, and it can contribute to the human search for meaning by clarifying the possibilities for and limits of happiness and fulfillment.

Besides defending the above relationships between ethics and science, a more difficult task is the development of a synoptic or comprehensive theory of natural law. Just what should such a theory include? What should be its guiding premise? A starting point can be to suggest that a synoptic theory of natural law must satisfy the principle of minimal psychological realism: Any moral theory must prescribe necessary and sufficient conditions for moral agency and decision making that are at least perceived to be possible or are in fact possible for all agents involved.<sup>65</sup> This would ensure that such a natural-law ethical account is grounded in and to some extent accountable to actual human experience and can in fact realistically expect that which it requires of moral agents.

Adopting the principle of minimal psychological realism as well as the basic bond between ethics and science, a synoptic theory of natural law should address at the very least the following categories and their relationships to each other:<sup>66</sup>

1. *Humans as knowers*: the processes for acquiring general and moral knowledge, learning, and habituation.
2. *Self-Knowledge*: the biological, psychological, and social aspects of the process by which we develop an understanding of ourselves.
3. *Human ends and motivations*: the origins of the structures of our ends of action as well as motivations for action.
4. *Moral consciousness*: the stages through which human beings pass that determine their moral responsibility and ability for moral decision making.
5. *Conceptualization*: the origins, structures, and nature of moral concepts.
6. *Deliberation and moral agency*: the nature and application of moral reasoning in decision making.
7. *Emotions*: the nature of human emotion and the relationship of emotions to deliberation, moral concepts, ethical development, and human motivation.
8. *Moral self-deception*: the process by which human beings repress moral knowledge.

For all of these categories there is a wealth of scientific research suggesting their biological, psychological, and social aspects. Each of these facets is vital to a theory of natural law that aspires to be not only comprehensive in its outlook but also serious regarding the moral and economic well-being of individuals and society alike.

In closing and by way of example, I would like to suggest how a natural-law theory sensitive to findings in the social sciences and based on a minimal notion of psychological realism could begin to develop a synoptic outlook. I would like to accomplish this by considering recent findings in various psychological and political studies, findings that ought to both encourage and challenge natural-law theorists to further this field of inquiry. In studies of identity and moral choice, there is evidence of an innate moral sense that guides human actions. In various in-depth interviews of holocaust rescuers, researchers discovered that all of the interviewees described their rescue efforts of Jews as rooted in an innate sense of right and wrong, a sense of moral duty



that was almost unconscious and deeply seated within the human person and an intricate part of their identity.<sup>67</sup> Studies in moral development suggest that at the early age of four, human beings conceive of morality as universal and intrinsically valid, and by the age of ten, human beings assess the behavior and attitudes of others based on the intrinsic value of morality.<sup>68</sup> On a more methodological level, there is substantial evidence that highly valid and reliable measurement techniques exist for such complex notions as human strivings or moral motivation with these measures yielding some surprising results as to the inner moral drives of people.<sup>69</sup>

Not all findings are as supportive as those just highlighted. One continual challenge from the psychological literature is the importance of social context in shaping human attitudes, emotions, identity, and behaviors. In gender studies, for example, some evidence suggests that social expectations and social authorities may exert an extensive amount of influence on the deliberative capacities and identity formation of women—both important factors for natural-law ethics.<sup>70</sup> Psychologists continually attribute an immense explanatory capacity to social context in areas of moral development suggesting that children think of morality as universal and intrinsically valid due to either Wittgensteinean language games or social circumstances. Discerning and distinguishing the influence of social and cultural context from natural capacities for morality remains an area of much work and opportunity for natural-law theories.

A more recent challenge comes from the field of affective forecasting, an area of psychological investigation taking into account the relationship among human goods, emotions, and moral decision making. Affective forecasting is the study of how human beings attempt to predict what will make them happy or unhappy given a certain decision and how happy or unhappy human beings are once they actually decide on a certain course of action.<sup>71</sup> Researchers in this field are building a body of evidence that may challenge in some fundamental ways natural-law claims, for example:

1. Most human actions are based on personal assessments of the future emotional consequences of these events.
2. Human beings cannot always know what they want or what will make them happy—people do not know what will make them better or give them pleasure.
3. Our actual emotional reactions to decisions are usually overestimated (i.e., forecasting errors)—that is to say that decisions usually impact us emotionally in less or more substantial ways than we expect.

Affective forecasting thus seems to suggest that either we have no real knowledge of the goods of human action, or, if we do know these ends of action there is a radical disjuncture between how we think they will complete us and how we actually feel in terms of wholeness once we decide to act for the sake of these goods. Humans, then (so it seems), cannot ever really be certain that moral actions will bring about the benefits that they seem to promise.

## Conclusion

Some natural-law theorists, economists, and moral philosophers may balk at some of these findings. However, the fact of the matter remains that a growing body of evidence seems to suggest that individuals do know much regarding the proper natural goods of human action and can act upon them in some of the most strenuous contexts. Some studies also present serious challenges for natural law by suggesting that humans may lack moral knowledge of their proper ends, that wholeness and completeness may not satisfy to the degree we think they will, and, most disconcerting, that the search for wholeness may in and of itself be futile. This scenario, to say the least, is at odds with the portrait given within natural law. Yet, the appeal of some of these findings, in spite of the gloomy picture they give, is that at times these seem true to human experience and are defended with scientific evidence. Can this account be wrong or inaccurate? Of course! However, we cannot know or demonstrate this until natural-law theorists are willing to engage and consider the social sciences as well as utilize them to build *plausible alternative rival hypotheses* in support of their theories. In other words, natural-law theorists must accept the notion of validity as the perennial and primary goal of any investigative natural-law research program whether this program is social, political, or economic. Much stands to be lost or gained on the pursuit of this important research goal, but it is a goal worthy of our fullest attention.

## Notes

- \* Various aspects of this article have been presented at the annual conferences of the American Maritain Association (2003), the American Psychological Association (2004), the Association for Policy Life Sciences (2004), and the Eranos Conference (2004) sponsored by *Associazione Amici di Eranos* and the Township of Ascona, Switzerland. I would like to thank Calvin College Seminars in Christian Scholarship and Cedarville University for their gracious research support for this

project. Thanks also to Professors Michael Sweeney and Jay Budziszewski for their comments on various aspects of this article. Finally, thanks are also due to the anonymous reviewers of the *Journal of Markets & Morality* for their very helpful suggestions.

1. This is a very basic and generic statement of natural law. It is more fully presented and developed below. It should be noted that the type of natural law this article defends is the classical or Thomistic account of natural law. Readers should note that heretofore I will use the term *natural law* to convey the classical or Thomistic Christian account.
2. There is evidence of natural-law thinking in non-Western cultural traditions, though not with the same degree of continuity and influence as in the West. For an excellent compendium of this evidence, see C. S. Lewis, *The Abolition of Man* (New York: MacMillan, 1978).
3. See, for example, the excellent essays of J. Finnis, "Natural Law: The Classical Tradition"; and B. Bix, "Natural Law: The Modern Tradition," both in *The Oxford Handbook of Jurisprudence and Philosophy of Law*, ed. J. Coleman and S. Shapiro (Oxford: Oxford University Press, 2002).
4. The most recent attempts have been those of A. M. Piedra, *Natural Law: The Foundation of an Orderly Economic System* (Lanham, Md.: Lexington Books, 2004) and A. Yuengert, *The Boundaries of Technique* (Lanham, Md.: Lexington Books, 2004). Piedra's work critiques modern economic thought due to its rejection of a normative understanding of human nature based on "Natural Law or a moral philosophy that deals with man's final destiny which is God, the creator of all beings" (p. 119). Beyond mere critique, Piedra's work integrates natural-law principles into important discussions regarding the nature of work, overpopulation and the family, and globalization. Yuengert's work offers a comprehensive response to the positive-normative economics debate through an integration of "human values in economics that can accommodate both the 'ethical' values from which economists wish to insulate themselves, and the 'methodological' values which govern economics" (p. 8). To accomplish this, Yuengert relies on Thomas Aquinas's moral philosophy of human action and, in particular, the nature of practical reasoning. Another important attempt is that of C. M. A. Clark, *Economic Theory and Natural Philosophy* (Brookfield, Vt.: Edward Elgar Publishing Company, 1992). Clark's historical survey of the influence of natural law upon economic theory is meant to defend the thesis that "the source of the observed regularities and uniformities in social life (including economics)" are the "creation of society" and not the "workings of nature" (pp. 14–15), and, therefore, economic theory must be drastically revised and based upon an appropriate sensitivity to historical, social, and cultural context and not the "laws of nature." Two other brief intellectual excursions are J. R. Morse, "Natural Law and Modern Economics," in

*Religion & Liberty* 8, no. 2 (March and April 1998); and J. V. Schall, “Natural Law and Economics,” in *Religion & Liberty* 3, no. 3 (May and June 1993). On some important and related issues see J. E. Alvey, “A Short History of Economics as a Moral Science,” *Journal of Markets & Morality* 2, no. 1 (Spring 1999): 53–73.

5. Consider Bix, “Natural Law: The Modern Tradition,” noting that natural-law scholarship suffers from a lack of clarity in that natural law is often held as an ethical doctrine, an epistemological position, or a metaepistemological philosophy.
6. Some notable exceptions are Piedra, *Natural Law*; and Yuengert, *The Boundaries of Technique*.
7. On this point see G. Moreno-Riaño, “Religious Experience and Political Morality—the Thomistic Natural Law Tradition,” in *Religionen—Die Religiöse Erfahrung/Religions—The Religious Experience*. Eranos—Neue Folge Nr. 14, ed. T. Scharbert and M. Riedl (Würzburg: Königshausen & Neumann, forthcoming).
8. The point of this claim is to suggest that powerful and successful theories in the public domain are theories that are considered legitimate by a large number of the public. Such theories often possess a large degree of empirical validation—from common sense to scientific—which further their stature and authority. To this date, natural law has failed to garner a high degree of validation and public legitimacy, not making it a viable candidate for a twenty-first century public philosophy. More on this point is said below.
9. Morse, “Natural Law and Modern Economics,” 4.
10. Piedra, *Natural Law*, 189.
11. A. Sen, *On Ethics and Economics* (Oxford: Basil Blackwell, 1987), 7.
12. It should be noted here that a classical natural-law approach to economics is by no means the only approach to a Christian ethic for economic theory and practice. Perhaps one of the most important contributions in the last two decades was that of *The Oxford Declaration on Christian Faith and Economics* (1990) as well as the conversations this document engendered (see H. Schossberg, V. Samuel, and R. J. Sider, eds., *Christianity and Economics in the Post-Cold War Era: The Oxford Declaration and Beyond* [Grand Rapids: Eerdmans, 1994]). Another important contemporary attempt has been undertaken by The Pew Forum on Religion & Public Life and the Brookings Institution that has resulted in such excellent publications as M. J. Bane and L. Mead, eds., *Lifting Up the Poor: A Dialogue on Religion, Poverty, and Welfare* (Washington, D.C.: Brookings Institution Press, 2004); and R. M. Blank and W. McGurn, eds., *Is The Market Moral? A Dialogue on Religion, Economics & Justice* (Washington, D.C.: Brookings Institution Press, 2004).

13. Hereafter, references to Aquinas' writings come from Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province (Westminster, Md.: Christian Classics, 1981). Most of Aquinas' natural-law writings appear in the so-called treatise on law in *Prima Pars Secundae Partis*, qq. 90–108 of *Summa Theologica*.
14. For example, there is the Enlightenment brand of natural law advanced by Thomas Hobbes and John Locke and, in the twentieth century, by John Rawls. There is also the “new” natural-law school of John Finnis and Robert George. More jurisprudential accounts of natural law are found in the procedural naturalism of Lon Fuller and the “third way” naturalism of Ronald Dworkin. A very different account of natural law—a Darwinian one—has been defended by Larry Arnhart. All this has occasioned a forceful resurgence of Thomistic classical natural-law theory as exemplified in the works of Jay Budziszewski and Russell Hittinger.
15. I am indebted to Professor Kenneth E. Himma for this basic interpretation as found in “Natural Law,” in *The Internet Encyclopedia of Philosophy*.
16. See J. Finnis, “Natural Law: The Classical Tradition,” p. 4.
17. Aquinas, *Summa Theologica*, *Prima Pars Secundae Partis*, q. 71, a2c.
18. Aquinas, *Summa Theologica*, *Prima Pars Secundae Partis*, q. 90, a. 1.
19. Aquinas in his so-called treatise on divine government argues that there is an order toward perfection inherent in all that exists in the universe. This order is a sign of the government of the universe, a government that can only be effectuated by God: “Therefore it pertains to the Divine goodness, to lead things to their end just as it brought things into being. And this is to govern.” See *Summa Theologica*, *Prima Pars*, q. 103, a. 1.
20. Aquinas, *Summa Theologica*, *Prima Pars Secundae Partis*, q. 91, a. 2.
21. See reply to objection 1 in *Summa Theologica*, *Prima Pars Secundae Partis*, q. 91, a. 2. The nonunique quality of natural law is further supported in Aquinas' argument regarding the principle of government. Government must be understood in terms of the principle supporting it and the means of execution. In terms of divine government, the basic principle is providence or God himself, while the means for execution or “execution of the design” is God's distilment of goodness, order, or knowledge to his creation and, in some cases, the ability for aspects of his creation (e.g., human beings) to distill knowledge unto others. This appears to be the case in regard to natural law and Aquinas' comment that human beings partake of providence “in the most excellent way” because they are provident for themselves as well as for others. See *Summa Theologica*, *Prima Pars*, q. 103, a. 6. A further note should be made regarding Aquinas' argument that all laws are derived from the eternal law (*Prima Pars*, q. 93, a. 3). As such, all laws are nonunique in that they are pale reflections of the divine reason.

22. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 51, a. 1.
23. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 91, a. 2.
24. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 94, a. 6.
25. I am indebted to Professor Alfred J. Freddoso, University of Notre Dame, for the term *natural habitual cognition*.
26. Aquinas, *Summa Theologica*, Prima Pars, q. 79, a. 12. Augustine in *De Libero Arbitrio*, ii, 10 (according to and as cited by Aquinas) suggests that *synderesis* are “‘rules and seeds of virtue, both true and unchangeable’ ... [contained] in the natural power of judgment.”
27. Aquinas, *Summa Theologica*, Prima Pars, q. 79, a. 12.
28. See Aquinas’ discussion of habit (*habitus*) in *Summa Theologica*, Prima Pars Secundae Partis, q. 49, aa. 1, 3. This ordering of activity does not imply necessity. In this sense, the habit of *synderesis* orders humans to act in moral fashion but does not necessitate that they do so.
29. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 94, a. 1.
30. This is the first principle of law and, as already mentioned, the basic self-evident principle of natural law. See *Summa Theologica*, Prima Pars Secundae Partis, q. 94, a. 2.
31. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 94, a. 2. Aquinas also argues that all acts of virtue belong to the natural law because they are good. This does not mean, however, that the natural law dictates every specific act of virtue. This is the task of experience and prudence. One last point that deserves elaboration is the permanence of natural law. For Aquinas, natural law (our participation in the eternal law) is so intrinsic a part of being human that it can never be blotted out from human nature. See q. 94, a. 6.
32. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 98, a. 5; q. 99, a. 2. These statements are puzzling because the natural law also appears to be supernatural in some sense.
33. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 100, a. 3.
34. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 100, a. 3.
35. Aquinas, *Summa Theologica*, Prima Pars Secundae Partis, q. 100, a. 3. The Scripture quotation comes from Matthew 22:37, 39. The point should be raised that both of these scriptural citations originate in the New Testament and as such can be considered part of the New Law. The implicit point being that both the Old Law and New Law are not fundamentally different and that aspects of both are part of the natural law, which is rationally understood and self-evident. On the

point of the similarity of the Old Law to the New Law see *Summa Theologica*, Prima Pars Secundae Partis, q. 107, aa. 1–3.

36. See J. Budziszewski, *What We Can't Not Know: A Guide* (Dallas, Tex: Spence Publishing Company, 2003).
37. See M. Friedman, *Essays in Positive Economics* (Chicago: University of Chicago Press, 1953).
38. On this point, see the excellent essay by C. Taylor, "Atomism," in *Communitarianism and Individualism*, ed. S. Avineri and A. de-Shalit (Oxford: Oxford University Press, 1992), 29–50. I borrow the term *unencumbered* from Michael Sandel's profound essay, "The Procedural Republic and the Unencumbered Self," *Political Theory* 12, no. 1 (1985): 81–96.
39. See, for instance, C. Wolfe, "Subsidiarity: The 'Other' Ground of Limited Government," in *Catholicism, Liberalism, and Communitarianism: The Catholic Intellectual Tradition and the Moral Foundations of Democracy*, ed. K. L. Grasso, G. V. Bradley, and R. P. Hunt (Lanham, Md.: Rowman and Littlefield, 1995); and A. Lindenberg, *The Free Market in a Christian Society*, trans. D. H. Sandin (Montreal: St. Antoninus Institute for Catholic Education in Business, 1999).
40. Subsidiarity has long been considered an implicit principle of natural law. On this point, see J. Finnis, *Natural Law and Natural Rights*, when he states that the principle of subsidiarity "affirms that the proper function of association is to help the participants of the association to help themselves" (p. 146).
41. For example, a scholar observes that within discussions of political economy and the role of nature therein, there is a commitment to the view that nature encompasses universal laws of social behavior or to "the existence and recognizability of the universal 'nature' of persons, society, state, and the like. So it is properly based upon the epistemological realism that takes the universal being as a reality." See T. Nojiri, "Political Economy and the Law of Nature," *Kobe University Economic Review* (1972): 42.
42. For an excellent discussion of incentives and constraints within modern economic theory see T. Sowell, *Knowledge and Decisions* (New York: Basic Books, 1980). The lack of moral considerations in modern economics is decried in Alvey (1999).
43. The negative social implications of this radically self-oriented economic outlook have been eloquently stated in A. O. Hirschman, *Exit, Voice, and Loyalty* (Cambridge, Mass: Harvard University Press, 1970). Morse characterizes this human being as "*Homo Economicus* as sociopath." This person is the one "who considers only his own good, who is willing to do anything he deems it in his interest to do, who cares for no one. All of his actions are governed by self-interested calculation of costs and benefits ... [he] behaves opportunistically on every possible occasion,

breaking promises if he deems it in his interest do to so.” See Morse, “Natural Law and Economics,” 2. Both Piedra and Yuengert characterize *homo economicus* as merely an economic theorization or abstraction, one that must be replaced by the reality of man “as a moral person with certain specific requirements which go beyond his economic needs.” See Piedra, *Natural Law*, 189; and Yuengert, *The Boundaries of Technique*, 10, 32. For another more philosophical portrait of this modern anthropology as it relates to public organizations and administration see G. Moreno-Riaño, “The Etiology of Administrative Evil: Eric Voegelin and the Unconsciousness of Modernity,” *The American Review of Public Administration* 31, no. 3 (2001): 296–312.

44. On this point, see P. Berger, *The Capitalist Revolution: Fifty Propositions about Prosperity, Equality, and Liberty* (New York: Basic Books, 1986). Even theologians and Christian economists agree with the fact that the modern market structure is perhaps the best or most “viable alternative ... as an organizing principle for an economic system in a complex society.” See R. M. Blank, “Market Economy through the Lens of Faith,” in *Is The Market Moral?* 12.
45. As Blank, suggests, “the nature of individual decision making [that occurs] within competitive markets [assumes that] both producers and consumers ... care only about themselves, not about each other” (“Market Economy,” 18). The literature on this subject is vast. From the vantage point of political science, scholars have long investigated this problem regarding voter apathy and the loss of civic responsibility and engagement within American political culture.
46. *The Hedgehog Review*, one of the most influential and important contemporary intellectual journals, devoted an entire issue to this serious problem. See “The Commodification of Everything,” *The Hedgehog Review* 5, no. 2 (Summer 2003).
47. For an excellent exposition and discussion of this concept see P. H. Sedgwick, *The Market Economy and Christian Ethics* (Cambridge: Cambridge University Press, 1999). Also consider S. K. White, *The Recent Work of Jürgen Habermas* (Cambridge: Cambridge University Press, 1988).
48. See “The Commodification of Everything: Editorial Introduction,” 5.
49. Sedgwick, *The Market Economy*, 109. Sedgwick’s comment is found within his exposition of Jean Baudrillard. This “colonization” tendency has been partly characterized by Blank, “Market Economy,” as the market assumption that “*better or worse can be measured by the metric of ‘more’ or ‘less.’* More wealth is better. More choice is better (italics original).” Yuengert, *The Boundaries of Technique*, suggests that for the modern economist the social context is the market where a “narrative of exchange” negates prudential deliberation and accentuates the pursuit of interests rational or not (p. 67).



50. See J. E. Davis, "The Commodification of Self," *The Hedgehog Review* 5, no. 2 (Summer 2003): 41–49.
51. A similar point is advanced by Sedgwick, *The Market Economy*, in addressing the characteristics of a theology of consumerism as it relates to issues of personhood and identity. Sedgwick writes, "First, personhood can be seen as self-transcendent. The 'infinite desire' in consumption can be transformed into unbounded openness and quest for the infinite, but with this infinity placed in God" (p. 147).
52. Blank, "Market Economy," addresses the issue of human flourishing in light of "what constitutes 'right action' among Christians" and "which choices allow for the possibility of a fuller life, one more oriented to God's intentions." As such she suggests five disconnects between the Christian faith and modern economic models: the lack of community, no concept of other-interest, the assumption that more is better, the amorality of choice, and, lastly, a lack of concern for the poor (pp. 22–25).
53. It should also be suggested that lower forms of association must themselves be protected from the higher forms. This, as recognized in the *Catechism of the Catholic Church*, is explicitly the case in the fundamental institution and all-important community of the family: "The family must be helped and defended by appropriate social measures. Where families cannot fulfill their responsibilities, other social bodies have the duty of helping them and of supporting the institution of the family. Following the principle of subsidiarity, larger communities should take care not to usurp the family's prerogatives or interfere in its life" (n. 2209). See also Piedra, *Natural Law*, in particular, chapter 8.
54. Some of the other issues regarding implementation concern economics, educational reform, as well as broader issues of political and moral socialization. Given the limitations of this essay, these important concerns cannot be addressed here.
55. See, for example, J. Budziszewski, *What We Can't Not Know*; R. Hittinger, *The First Grace: Rediscovering the Natural Law in a Post-Christian World* (Wilmington, Del.: ISI Books, 2003); R. George, *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* (Wilmington, Del.: ISI Books 2001); R. George, *In Defense of Natural Law* (Oxford: Oxford University Press, 1999); and J. Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids: Eerdmans, 1999).
56. Both John Finnis and Jacques Maritain suggested the importance of empirical evidence to support natural-law claims. See Finnis, *Natural Law and Natural Rights* (1980); and J. Maritain, *Natural Law: Reflections on Theory and Practice* (South Bend: St. Augustine's Press, 2001), particularly, chapter 2.

57. It is important to note here that Yuengert, *The Boundaries of Technique*, is an important attempt to integrate natural-law theory and economic theory and investigation. Yuengert's concern is to broaden the concept of economic rationality from a crude instrumentalism to a normative instrumentalism as evidenced in Aquinas's moral philosophy. In doing so, Yuengert suggests that in some sense economics is always subordinated to ethics but in other more limited senses, it is autonomous. This tension is the result of a dialectical relationship between prudence and technique or, as Yuengert writes, "The Thomistic framework ... creates a certain dialectical tension between ethics and economics. It invites economists to question their methods in light of the ethical imperatives that motivate them, at the same time insisting that the prudential concerns of ethics are not identical to the technical concerns of economists" (p. 64).
58. O. Flanagan, *Varieties of Moral Personality* (Cambridge: Harvard University Press, 1991), 32.
59. M. L. Johnson, "How Moral Psychology Changes Moral Theory," in *Mind and Morals: Essays on Cognitive Science and Ethics*, ed. L. May, M. Friedman, and A. Clark (Cambridge: MIT Press, 1996), 49. Johnson emphasizes the human element of morality, suggesting that morality is most centrally human not metaphysical, theological, or mathematical. While this element of Johnson's argument is at odds with natural law and can thus be rejected, its underlying tenet of validation is important for natural-law moral theories.
60. See J. Finnis, *Natural Law and Natural Rights*, 3.
61. I should note here that the social sciences of particular concern to the issue of validation are to be broadly understood to include anthropology, sociology, political science, and even economics. However, one of the most important and often neglected social sciences for the purposes of validation and of building a robust moral theory is that of psychology. The remainder of this article highlights the important role for psychology, in particular, cognitive psychology in this enterprise.
62. This can be evidenced in the paucity of research, discussions, and citations demonstrating dialogue or interaction between these two fields of inquiry. Some leading works in metaethics pay little, if any, attention to the social sciences. See, for example, E. F. Paul, F. D. Miller, and J. Paul, eds., *Moral Knowledge* (New York: Cambridge University Press, 2001). See also A. Blasi, "Emotions and Moral Motivation," *Journal for the Theory of Social Behavior* 29, no. 1 (1999): 1–19, where Blasi argues that "social sciences cannot bring any light" on the issue of whether "certain emotions determine which actions are moral" (p. 1).
63. I borrow the concept of *synoptic* from that of "synoptic vision" employed by W. Sellars in *Science, Perception, and Reality* (New York: Humanities Press, 1963). It should also be noted that certain natural sciences, in particular biology, have much to offer in building a comprehensive natural-law account of moral understanding.

64. See W. A. Rottschaefer, *The Biology and Psychology of Moral Agency* (Cambridge: Cambridge University Press, 1998) for an extended discussion regarding the integrationism. I am indebted to Rottschaefer for the following categories addressing the connection between social science and moral theory.
65. See note 10 above. This is an edited and expanded version of the principle.
66. I am indebted to Johnson, "How Moral Psychology Changes Moral Theory," for these categories. See especially page 50. I borrow some of Johnson's language and questions while I also edit his presentation for the purposes of this article. For another excellent discussion of these themes, see M. L. Johnson, "Ethics," in *A Companion to Cognitive Science*, ed. W. Bechtel and G. Graham (Oxford: Blackwell Publishers, 1998), 691–701.
67. See K. Monroe, "How Identity and Perspective Constrain Moral Choice," *International Political Science Review* 24, no. 4 (2003): 405–25. On this point and other related issues see J. Tsang, "Moral Rationalization and the Integration of Situational Factors and Psychological Processes in Immoral Behavior," *Review of General Psychology* 6, no. 1 (2002): 25–50.
68. See G. Nunner-Winkler, "The Development of Moral Understanding and Moral Motivation," *International Journal of Educational Research* 27, no. 7 (1998): 587–603.
69. See S. M. Havercamp and S. Reiss, "A Comprehensive Assessment of Human Strivings: Test-Retest Reliability and Validity of the Reiss Profile," *Journal of Personality Assessment* 8, no. 1 (2003): 123–32.
70. Perhaps the classic statement of this finding is N. Weisstein, "Psychology Constructs the Female," *Social Education* 35 (1971): 362–73. See also N. Giesbrecht, "Gender Patterns of Psychosocial Development," *Sex Roles* 39, no. 516 (1998): 463–78.
71. For an excellent popular overview of this emerging field, see J. Gertner, "The Futile Pursuit of Happiness," *New York Times Magazine*, September 7, 2003, 44–91. For an academic treatment of the subject see D. T. Gilbert and T. D. Wilson, "Miswanting: Some Problems in the Forecasting of Future Affective States," in *Feeling and Thinking: The Role of Affect in Social Cognition*, ed. J. P. Forgas (New York: Cambridge University Press, 2000), 178–200; and D. T. Gilbert, E. C. Pinel, and T. D. Wilson, "Durability Bias in Affective Forecasting," in *Heuristics and Biases: The Psychology of Intuitive Judgment*, ed. T. Gilovich, D. Griffin, and D. Kahneman (New York: Cambridge University Press, 2002), 292–312.