

A Note on Jean Porter's *Nature as Reason*

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IN HER WORK *Nature as Reason*,¹ Jean Porter commendably affirms several strategic yet controverted premises of sound theology and philosophy. Amongst these are the ethical significance of “pre-rational nature”; a non-dualist treatment of human nature; a posteriori reasoning; dependence on sensible experience and (arguably too greatly) upon social context in cognition; the priority of the speculative to the practical; and, crucially, the reality of an ethically significant hierarchy of ends prior to choice. In all this, Jean Porter is an author to cause an unreconstructed Thomistic realist to sing to the angels. Moreover, so that full disclosure may be observed, I am personally grateful to the author for her appreciation of my own work, both regarding the relation of nature and grace, and regarding the character of the object of the moral act. With all this to appreciate, it is perhaps perverse to turn in a critical review. Yet there are three significant considerations in her recent work whose problematic implications seem to cut back against the grain of Thomistic moral realism. Because they are dispositive with respect to many important discussions in moral philosophy, political philosophy, and moral theology, it is upon these points that I wish briefly to focus. They are as follows:

1. her reluctance to cede that any initial ethically significant knowledge may unproblematically follow upon the “close in” teleologies of nature, even in precision from the more complete contemplation of the unified hierarchy of ends and as a condition for the discovery of this unified hierarchy;

¹ Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, MI: Eerdmans, 2005).

2. her account of the social embeddedness of our knowledge of the natural law and the epistemic elements of her account of the extension of natural law reasoning to diverse social matter;
3. her sanguine view of secular subjective right.

With respect to the third, she shares something in common with a great Thomist mind of an earlier generation, Jacques Maritain; the second consideration is something that she shares with many critics of natural law thought for whom social context may seem to obscure rather than prudentially specify natural law norms; and the first she shares with some of those who would be critical of her own position about nature on the ground that it is unduly “physicalistic.”

With respect to the first listed issue, Porter correctly insists that it is the whole hierarchy of ends as defining the nature of the good that enters into our particular natural law judgments. Yet one might wonder whether, epistemically, the knowledge of this hierarchy is not achieved through experience, over time, and in such a manner that the “close in” teleologies of nature provide a partial account—in need of further interpretation and analysis, but nonetheless, true—which itself has moral implications. Speaking about these issues in relation to the general analysis of sexual morality, she writes:

The scholastics do not argue from the observed effects of sexual intercourse, or from the structure and function of the sexual organs, to the place of sexuality in human life. Rather, they argue from judgments about the proper place of sexuality in human life to a set of conclusions about the purpose of the sex act and the proper uses of one’s sexual organs. Their analysis is teleological, in the sense that it presupposes some account of what human life considered as a whole should look like and what purposes the different inclinations and functions of human life serve within that context. But nothing in their analysis requires them to argue from the purposes of human functions or organs, considered in isolation from a context set by the overall well-being of the organism, or by a broader account of the proper shape of human life.²

It is certainly true regarding the scholastics that “nothing in their analysis requires them to argue from the purposes of human functions or organs, considered in isolation from a context set by the overall well-being of the organism, or by a broader account of the proper shape of human life” (my emphasis). This statement is especially true if by “considered in isolation”

² *Nature as Reason*, 76–77.

one means "considered outside of the narrative of unified normative teleology" or "apart from the whole hierarchy of morally significant human ends." Certainly whatever we may say of natural teleology forms a constituent of the broader account of the unified and (prior to choice) ethically significant order of ends. However, if by "considered in isolation" one means that *no knowledge of ethical significance* may be implied by the natural ordering of our sexual functions *in precision* from comprehensive wisdom regarding the integration of this ordering with the wider goods of human life, this seems to be false. For how do we know the whole, apart from reference to the parts as parts? And the parts are not, as it were, lacking all ethical significance until the moment we fully understand their role in a good life, any more than the understanding that the hand is part of the body is incorrect prior to achieving a completely comprehensive knowledge of anatomy. Granted that the part is only a part because of its order toward the whole, our knowledge of the whole is indeed mediated through the parts. Thus, as true as it is that all genuinely human action is constituted as such in relation to the *finis ultimus*, our understanding of how some actions are ordered to the *finis ultimus* progresses through experience and inference. Why, then, should it be impossible to draw any proximate knowledge of ethical significance whatsoever from the "close in" teleologies of nature, including the close in teleologies of sexual nature? After all, simply to know that sexual functions are indeed ordered to the comprehensive well-being of the human person, and to know this ordering prior to possessing a complete account of that comprehensive well-being, is ethically significant knowledge. Put differently: what is not in the premises cannot validly make a novel appearance in the conclusion. But our conclusions regarding the hierarchy of ends presuppose ethically significant premises which constitute our early knowledge of this hierarchy of ends.

The danger to be avoided is the affirmation of the teleological whole of the good life whilst denying the reality and ethical significance of the knowledge of its teleologically commensurated parts, i.e., the hierarchically unified ends themselves. Simply to identify something as an end is already to some degree to place it in reference to the *finis ultimus*, and so that which makes it to be a part (a constituent of the good life) is already discerned as that which makes it to be further ordered (toward the final end). Hence in principle one might think that there is no reason why the knowledge of sexual teleologies should not already and as such imply certain ethical judgments even prior to the full development of normative wisdom regarding the role of sexual activity with respect to the hierarchy of ends in a virtuous life.

In sum: any knowledge of an end as such already carries with it an inceptive judgment of its good in relation to happiness. As this good of order vis-a-vis happiness, owing to which we call a thing an end and a good, cannot both *be* good and *not-be* good, so the actions ordered to bringing about such ends and goods cannot both do so and fail to do so. And those acts that are deliberately undertaken in such a manner as to directly impede their order to the end are defective. It is simply implausible that the relation to happiness, owing to which something is an end, should not provide the basis for criticism for deprivations with respect to that end. And howsoever much the larger context of the order of ends adds to the inceptive understanding of the subordinated end in question, it does not seem plausible to say that it can *subtract* from that understanding without denying its status as a good *tout court*, which is precisely what is contrary to fact. This line of reflection raises not merely the issue of sexual ethics, but the broader issue of the way in which the natural inclinational order passively participates and mediates the eternal law. Of course, if an inclination is plausibly argued to be trivial in nature, then there is less weight to the consideration. But with respect to “metaphysical biology” and sexual ethics, it is difficult to avoid the speculative judgment that here one faces not something trivial, but one of the essential structuring dynamisms of the human person. On this ground, one would think that the inceptive knowledge of procreative teleology would be extremely important and laden with ethical implications.

Similarly crucial is one’s epistemic confidence, or lack thereof, in the prudential intelligibility of the social mediation of natural law judgments. It is impossible, within the confines of a brief review, adequately to address this question. But one notes that, for Porter,

[b]ecause we are complex creatures, there can be a variety of adequate expressions of our nature—as the scholastics knew—and correlatively, these expressions will inevitably take the form of social conventions developed through some form of communal reflection—as they also knew. There is thus ample room for cultural and historical variation in socially particular expressions of the natural law, and this is why we can legitimately speak in terms of natural moralities, rather than in terms of one determinate set of natural law precepts.³

She continues to develop this theme further on in her exposition:

At the end of the last chapter, we noted that moral concepts are always necessarily indeterminate to some degree, and this indeterminacy

³ *Nature as Reason*, 333.

places limits on the degree of certainty that we can attain in particular instances of choice. What is more, this indeterminacy of particular choices inevitably introduces elements of contingency at the social level, where moralities emerge and develop out of the intelligibilities informing human nature. This does not mean that the development of particular moralities is an arational process, any more than moral judgment at the individual level is irrational. Nonetheless, the kind of rationality in question cannot be analyzed in such a way as to imply that the social processes of moral discernment can or should (even "in principle") yield a rationally compelling set of moral norms purged of all contingent elements.

This brings us to a crucial point. The intelligibilities of human nature inform social norms, and for that reason we can analyze and evaluate particular moralities in terms of their natural origins. In that sense, the Thomistic theory of the natural law is a realistic theory, and implies a version of moral cognitivism. Yet the intelligibilities of human nature underdetermine their forms of expression, and that is why this theory does not yield a comprehensive set of determinate moral norms, compelling to all rational persons. In order to move from our best accounts of human nature to moral judgments, we must first of all take account of the diverse social forms through which our shared nature is expressed, and secondly, we must appraise these in terms of criteria that will inevitably be contingent to some degree.⁴

Yet nature abstracted as a whole is *formal* and yet *includes the common matter of the definition*. Similarly, one might think that the social investiture of moral reason is—even when essential to the particular moral informing in question—distinguishable from the *animating moral ratio* of a given society's practice, or, put differently, resolvable into *form* and *matter*. As regards the material element, even where this is a matter of a stark *determinatio*—e.g., to drive on the left rather than on the right side of the road, or the other way 'round—it shares something in common with the natural law that it determines (in the illustration, for example, the avoidance of unnecessary fatalities is achieved through the legal specification of which side of the road to drive on). Whether the social matter mediating natural law judgment represents something strongly *ex natura* in the development of peoples through which most successful societies may be expected eventually to pass (e.g., the development of procedural rules of justice—here one thinks fondly of Lon Fuller's old classic *The Morality of Law*) or something more starkly accidental to time and place, it does not seem to constitute some species of enlightenment moral foundationalism to see the unified natural hierarchy of ends principiating all such social

⁴ *Nature as Reason*, 338.

enfleshment of moral certitudes. And hence it would seem that there are not so much multiple natural law moralities, as implications of one natural law morality according to the social circumstances. This goes back to the first point as well: since even to know an end is implicitly to know it in relation to the *finis ultimus*, the minimal inceptive knowledge of any good as such carries with it real ethical implications knowable at an early stage in the development of ethical wisdom.

The third conspicuously controversial point, from which Porter does not flinch, consists in her optimism regarding the application of the secular notion of “right.” Here, an even minimally adequate consideration could not avoid comparison with the optimism of Jacques Maritain in his view of a pure practical consensus somehow abstracted from speculative differences, which he hoped might mediate truths of the natural law in political order and canonize a certain understanding of “rights.” Yet, without taking up this theme in detail at present, one must note: times have changed. While in Maritain’s day the sociopolitical and moral consensus in North America was decidedly influenced both by the material legacy and the formal inspiration of Christian thought, it is this very phenomenon of American “exceptionalism” that has been melting away over the intervening decades. It is no longer clear that American public order is quite so immune from the enlightenment anti-Christian prejudices that are so well-entrenched within European society. Porter is persuaded that talk of “rights” is largely of Christian provenance, being a function of the transcendent vocation and dignity of the person. She is also well content that something that initially is of Christian origin should become of world-wide import with its secularization. On both these counts, however, there is pause for concern.

There is a Christian notion of “rights.” But this notion is always contextualized both from “above”—by principled reflection on the hierarchy of ends all the way to the beatific vision—and from “beneath”—by prudential discernment of circumstance. Hence rights are a derived rather than a foundational notion. The modern use of “rights” forgets both these points, and so instigates perpetual conflict in society by encouraging the endless fomenting of claims and resentment toward the necessary natural and prudential limits of political order as such. The result—which the late Richard Weaver used to call the psychology of the “spoiled child”—is a perpetual divagation from reason in behalf of various extremely abstract claims that can be entertained at all only thanks to news media and an entertainment industry happy to gratify the politically correct imagination. Both over-abstraction from (or outright denial of) revelation and the rejection of classically Aristotelian ethical wisdom entail the rejection of

any unified hierarchy of natural ends. Since secularist rights-based regimes seem to be typified by both these errors, Porter's confidence in the salutary character of contemporary dependence upon the category of subjective "rights" is difficult to emulate—although, since it is a category that can be made sense of only on the basis of some strong natural law account, perhaps in the long run that itself is a reason for hope.

Porter's work is theoretically rich and supple, and her appreciation of the role of the speculative knowledge of nature for ethics is both instructive and all too rare. Readers will learn from her exposition even where they may find themselves disposed to object. Far from being merely historical, her effort is thoroughly systematic and attempts to exhibit both the character and limits, and the applicability, of natural law reasoning for contemporary theological, moral, and political thought. While this present review essay is critically preoccupied with certain controversial aspects of the book that catch the eye of a more classically formed Thomist reader, no serious interest in the natural law should deprive itself of the benefit of a careful reading of Jean Porter's *Nature as Reason*. N.V