

ETHICS: THE MORAL NOETIC OF THE NATURAL LAW

SEMINAR SYLLABUS

MATTHEW K. MINERD, PH.D.

[SUMMER 2023]



DESCRIPTION

Heinrich Rommen once spoke of “Die Ewige Wiederkehr Des Naturrechts,” the eternal return of the natural law. No matter how often philosophical speculation and cultural imagery casts aside the idea of “that kind of action which is fitting to the nature of human agents,” it cannot help but return—sometimes with great embarrassment—to this perennial tradition of moral philosophy. However, it has also been said, in jest, that there are as many theories of the natural law as there are booksellers. In this seminar, we will engage with some important texts of the natural law tradition and attempt to articulate the first principles of the very epistemology of the natural law knowledge, both at the level of general philosophical insight, and in the specific nexus of thought in the Thomist Tradition. In so doing, our goal will be to provide a solid framework which overcomes the particularities of any particular debates concerning this topic.

METHOD

The seminar is 8 weeks long, with one recorded lecture and one discussion session each week. Each discussion session is structured around a reading from various authors related to the Natural Law Tradition. Participants are expected to have read the assigned reading and listened to the lecture prior to the session, so that they may engage in a semi-structured discussion directed and moderated by the instructor

READINGS

This text must be purchased:

Simon, Yves R. *The Tradition of Natural Law: A Philosopher’s Reflections*. Edited by Vukan Kuic. New York: Fordham University Press, 1999. (Any edition is fine – [search via BookFinder.com](#))

These texts will be available online. (Some PDFs will be password-protected.)

- Bourke, Vernon J. “Is Thomas Aquinas a Natural Law Ethicist?” *The Monist* 58, no. 1 (1974): 52–66.
- Grisez, Germain G. “The First Principle of Practical Reason: A Commentary on the Summa Theologiae, 1-2, Question 94, Article 2.” *Natural Law Forum* 10 (1965): 168–201.
- Harakas, Stanley. “Eastern Orthodox Perspectives on Natural Law.” *Selected Papers from the Annual Meeting of the American Society of Christian Ethics* (1977): 41-56.
- Jensen, Steven J. “The Fatal Flaw of New Natural Law Action Theory.” *The Thomist* 86, no. 4 (October 2022): 543–572.

- Miner, Matthew K. “A Note on *Synderesis*, Moral Science, and Knowledge of the Natural Law.” *Lex naturalis* 5 (2020): 43–55.
- Rhonheimer, Martin. “Practical Reason and the ‘Naturally Rational’: On the Doctrine of the Natural Law as a Principle of Praxis in Thomas Aquinas.” In *The Perspective of the Acting Person: Essays I the Renewal of Thomistic Moral Philosophy*, ed. William F. Murphy, trans. Gerald Malsbary, 195–249. Washington, DC: The Catholic University of America Press, 2008.
- St. Thomas Aquinas. *Summa theologiae, Prima secunda pars*, qq. 90–97.

LECTURE

Each week there will also be a 20–40+ minute audio lecture, posted to Teams at the beginning of the week. This lecture will be based upon the assigned reading, but will also stray into related topics, or may use the reading as a launching point for addressing some related issue (perhaps one more general, or perhaps one more specific). The primary (but not sole) purpose of these lectures is to help clarify some of the more difficult concepts and arguments contained within the reading, as well as to raise specific questions that should help structure and guide our discussion sessions.

There *may* be accompanying visual aids (not necessarily) in order to provide some clarity as to textual points, but one *should* be able, in most cases, to simply listen to the lecture (and perhaps consult the visual aids later). This should allow more flexibility: making the lectures suitable accompaniment for a commute, while doing chores, going for a run, etc.

DISCUSSION

The heart of the seminar is the discussion session (**Saturdays at 11:00am–12:00pm ET**) where all the thoughts emergent and encountered throughout the week—via the reading, lecture, and on-going conversations in the Teams channel—are brought into explicit conversation. This allows us to attempt a concerted effort at bringing resolution to our difficulties, and—failing such a resolution—to direct our inquiry further.

Each discussion session will begin with a brief synopsis of the week’s material and a focusing on whichever aspects of that material seem most pressing. Beyond the direction provided by the instructor, participants are encouraged to bring their own concerns explicitly into view and to engage with the instructor and one another in civil debate and collective inquiry.

AUDITS OR COMPLETES

Beginning in 2022, all Lyceum Institute seminar participants will be able to either *audit* the seminar or *complete* the seminar. To complete the seminar, the participant **must** submit an essay of 2000+ words pertaining to the subject. This essay may be evaluated for publication in *Reality* and will be included in each Lyceum Institute member’s profile, along with the mark of auditing or completing.

SESSION SCHEDULE

July 8	<p>Introductory Lecture: Problematizing the Natural Law</p> <p>Historical overview of the Natural Law; Gleanings from the history of natural law thinkers; lay of the land in some contemporary natural law debates</p> <p>Readings: Simon, chs. 1 and 2</p>
July 15	<p>Theoretical Issues in the Background of Natural Law Discussions</p> <p>Discussion of various themes in the background when discussing the natural law: nature, freedom, reason, natural theology, action theory</p> <p>Readings: Simon, ch. 3</p>
July 22	<p>Law in General: Its Nature, Division, and Properties</p> <p>Reading of Thomas Aquinas's treatment of law in general. Closest attention will be given to the general definition of law and the particular divisions of law</p> <p>Readings: ST I-II, q. 90–92; Simon, ch. 4</p>
July 29	<p>Natural Law and Human Law</p> <p>Reading of Thomas Aquinas's treatment of natural law and human law, the latter considered as a concretization of the natural law</p> <p>Readings: ST I-II, q. 93–97; Simon, ch. 5</p>
August 5	BREAK
August 12	<p>Natural Law and Human Law (continued)</p> <p>Reading of Thomas Aquinas's treatment of natural law and human law, the latter considered as a concretization of the natural law</p> <p>Readings: ST I-II, q. 93–97; Simon, ch. 5</p>
August 19	<p>The Noetics of the Natural Law</p> <p>Introduction to the critiques of practical reason needed for understanding how the natural law is known. (This will develop themes that we will have already encountered in Simon.)</p> <p>Readings: Miner and Rhonheimer Articles</p>
August 26	<p>Some Basic Discussion of New Natural Law and its Critics</p> <p>The NNL has developed quite a bit in the past sixty years. It has many branches, more than we can cover in an intro seminar. We will consider a <i>terminus a quo</i> in an important early article by Germain Grisez and a <i>terminus ad quem</i> in a recent critique by Steven Jensen.</p> <p>Readings: Grisez and Jensen Articles</p>

September 2	<p>Final Thoughts about the Natural Law</p> <p>Discussion of the place of Natural Law in Thomism. Some comments on the place of natural law in early Christianity and in Orthodox thought. Closing remarks on the importance / state of the natural law today</p> <p>Readings: Harakas and Bourke articles; Simon, ch. 6</p>
----------------	--