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Christian conception of Natural Law and the moral theory of the State.

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Abstract

This paper argues that the Christian conception of Natural law is indispensable for the understanding of a coherent moral theory of the State. The paper discusses the Christian conception of Natural Law with a view to understanding a philosophical link with the moral theory of the State. The paper reveals that from the classical era of Plato and Aristotle through the medieval times of Thomas Aquinas, Natural law has been conceived to be divine. However, following the protestant reforms of Martin Luther and Richard Hooker through the early modern natural law theorists inclined to the social contract, the concept of natural law has been interpreted to mean a theory that runs contrary to the existence of written laws and as such needs to be modified to be accepted as a code of conduct for society. The paper concludes that the perceived influence of Natural Law on positive or coded law is rooted in conscience, which as Thomas Aquinas pointed out is based on reason or *synderesis*.

Key Words: Natural Law; Moral Theory; Public Policy; Christian Kingship; Religious Reformation

Introduction

The Christian concept of Natural Law was developed following the philosophy of Thomas Aquinas,¹ which took its roots from St. Augustine's teleological principles. Aquinas in his book *Summa Theologica* professes that Natural Law is divine and given to Man by God. He contends that if Man in his state of nature is to do good, guided by order and ethics, there ought to be a Supreme Being whose idea it would be. If there be a law to guide the purpose of Man in the universe there must be a giver, and that giver is God. In Augustinian theological premise of the City of God and the city of Man, he professed a dual citizenship for Man, which connotes the idea that Man would decide which of the cities to take abode based on his conduct. Augustine prescribed the City of God for those who do good and believe in the supremacy of God, unlike the city of Man which is for the depraved and those inclined to doing evil. Augustine condemns those in the earthly city to damnation and suffering; a struggle for survival as opposed to the city of God, for eternal glory, joy and peace. Thomas Aquinas based his theoretical underpinning on Natural Law as eternal and inherent in Man but can only be deciphered through *reason*. This order of reason is referred to as *synderesis*. The *reason*, Aquinas conceived is based on conscience as opposed to the theories of Plato and Aristotle where man is guided by ethics.² This paper argues that the Christian conception of natural law is indispensable to the understanding of a coherent moral theory of the state.

Suffice to say that in Plato and Aristotle's time there was polytheism – the belief in many gods. The order of a supreme deity or being who is the ultimate Law giver was evinced by St. Augustine and Thomas Aquinas on monotheism leading to the Christian belief in one God. In St. Augustine's magnum opus *City of God*, he professed that man in his natural state was unable to choose between good and evil except guided by a moral code set by God.³

¹ Thomas Aquinas born 1225, was an Italian Dominican friar, philosopher, Catholic priest, and Doctor of the Church. An immensely influential philosopher, theologian, and jurist in the tradition of scholasticism. Originated the Natural law doctrine as God's law.

² Under the classical Natural Law philosophies of Plato and Aristotle, the order of Being is based on the choice of good and evil. Plato through his teachings of Socratic thoughts was unable to ascertain who provides the order of good. Plato's moral philosophy was on ethics. In Plato's *Euthypro* he asks the most intriguing question of classical philosophy "Is anything wrong because God has forbidden it or does God forbid it because it is wrong."

³ Augustine: *City of God*, Translated by Marcus Dods. From Nicene and Post-Nicene Fathers, First Series, Vol. 2. Edited by Philip Schaff. (Buffalo, NY: Christian Literature Publishing Co., 1887.) Revised and edited for New Advent by Kevin Knight. <<http://www.newadvent.org/fathers/1201.htm>>.

Augustinian philosophy on the one hand followed Plato and Aristotelian thoughts stating that the order of good lies in the Mind. The idea of becoming a worthy Christian is by choosing to become a citizen of the city of God. By St. Augustine's philosophical premise, one could choose to reside in either the city of God or the earthly city of Man. However, in this paper we shall follow the developments of the Reformed Christian thinkers in order to find how civil offices and the religious authority could be separated to run side by side for the purpose of freedom, equality and liberty. In the same vein this paper will provide the basis for the understanding of the influence of Christian Natural Law on the moral conduct of the State.

The era of Reformation in Christian theology began with Martin Luther, then John Calvin and Hooker who considered a separation from the Pope as a way of reducing the intransigencies of Rome. Luther championed a reformation, calling for the disintegration of Papal authority, and Hooker and Calvin refuted the authority of the Pope by calling for elected Magistrates to run civil offices to reduce the powers of ecclesiastical Bishops and Kings who were exercising Supreme authorities on their subjects. These Reformers sought an order of Christianity that is far removed from the traditional belief that Bishops and Kings hold positions that are ordained by God and cannot be challenged by Man. In this paper, I will review the classical Natural law theories and follow the development of Natural Law through the Thomistic concepts to ascertain the origin of Christian natural law philosophy. Afterwards, I would argue whether the Christian Natural Law concept that developed from the classical through the medieval era until the times of Hobbes, Locke and Rousseau's determine the moral obligation of mankind towards developing a theory that guides human conduct for justice, covenantal statesmanship and Christian kingship. This analysis is spiced with the philosophical understanding of democracy in relation to the advent of separation of civil offices from religious authority. To buttress our understanding of contemporary conception of Christian Natural Law doctrines, we shall be guided by the developments of positive law and public policy formation.

I would argue that the moral theory of the State cannot be isolated from the Christian conception of natural law theory. However, this paper concludes that the perceived influence of Natural Law on positive or coded law is nothing but conscience, which as Aquinas pointed out is based on reason. This paper will be presented in six sections, the second traces the development of natural law philosophy from the Classical era through the Thomistic period to uncover the philosophical basis for the Christian Natural Law concept and moral theory. The third section delves into the theories of medieval and reformed Christian natural law thinkers

and how they conceive the problem of Christian Kingship and covenantal statesmanship. In the fourth section the paper discusses early modern Natural Law thinkers and their influence on the moral theory of the State through the social contract theory. Section five is on contemporary Natural Law philosophy that promotes the doctrine of separation of civil offices from religious authority and the systemic response to the demands of democracy, justice, freedom and equality. The sixth section concludes the paper.

Classical Philosophy, Christian Natural Law Theories and Thomism

Plato was one of the earliest philosophers to give an account of human form and order before the advent of Christianity.⁴ Plato was more interested on the interior of the human condition.⁵ His deepest concern was on the understanding of the soul as opposed to the body, the nature of Good and the laws of the physical world, the idea of justice. Plato was less concerned as to governance of the community of men, but he rather suggested ways that human conduct could be organized to suit the order of eternal wisdom. Plato was concerned about the form rather than the substance. His philosophical premise was on the origin of Nature and what constitutes the order of good as opposed to evil. Plato harmonized the order of Being, noting that the real world is ever changing and could be brought to perfection through understanding. In his *Republic*, *Phaedo* and *Euthyphro* he aligned Socratic thoughts to enliven human spirit to question the order of human existence. Contemporary scholars believe that Plato's eternal Forms constitute the fundamental things of reality and the true objects of our knowledge about natural principles and truth. Plato's Form of Good laid the foundation for the understanding of the Christian idea of God.⁶

Shortly after Plato, between 387 – 322 BC came his student Aristotle whose understanding of the order of Form and Being was a lot more scientific.⁷ Aristotle provided the

⁴ Plato, *The Dialogues of Plato translated into English with Analyses and Introductions* by B. Jowett, M.A. in Five Volumes. 3rd edition revised and corrected (Oxford University Press, 1892). 11/3/2019. <<https://oll.libertyfund.org/titles/768>>

⁵ Hill, John L., *After the Natural Law: How the Classical Worldview Supports Our Modern Moral and Political Values*. Ignatius Press, San Francisco. 2016.

⁶ Hittinger, Russell. *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, by ISI Books, Delaware, USA, 2003.

⁷ Aristotle, *The Politics of Aristotle*, trans. into English with introduction, marginal analysis, essays, notes and indices by B. Jowett. Oxford, Clarendon Press, 1885. 2 vols. Vol. 1. 10/23/2019. <https://oll.libertyfund.org/titles/579>

true understanding of the origin of human nature and his science was geared to the metaphysics of the body and natural forces influencing the existence of Being. As opposed to his Master, he applied knowledge not only to understand the inward of the human mind but the external surrounding of the order of reality. His teachings span through the Natural Science to the Cosmos. Aristotle was able to make a better understanding of the order of good. Although Plato was unable to ascertain the order of reality, Aristotle was able to generate ideas to show that order of reality could be ascertained from idealism. His major contribution to philosophy was to naturalize teleology. Aristotle taught that there are four causes, which spring from his knowledge of form-over-matter principle in order to explain causation as materialists do. He conceived the phenomenon of causes in four dimensions – the material, efficient, formal and final causes. For Aristotle the final cause is the ultimate and most important of all four causes since everything exists for a purpose with an end in view, the final cause unites the other means to the end.⁸ Plato was very concerned about the source of Good as he expressed in *Euthypro*. The source of our obligation most often expresses the order of an action. In teleological theories what motivates the good man to do good is the moral obligation that accompanies the act. Philosophers concede to moral voluntarism since moral values are deemed to be an act of God.

St. Augustine⁹ was the earliest philosopher to recognize that God is in all things unlike Plato and Aristotle who could not ascertain the order of Being of God. Plato, Aristotle, Cicero¹⁰ and other pre-Christian thinkers consistently held their position on virtues. They posit that there are four virtues of a good life, which in all fours hinge on true happiness and the love of mankind. The Homeric idea of virtue hinges on prudence, fortitude, temperance and justice. St. Augustine stands on the threshold of ancient and medieval philosophy and theology. His contribution to Christian metaphysics draws on the necessity and reason of all that exists, moves and rests in the personal will and wisdom.¹¹ The universal and eternal law governing all

⁸ Hill, John L., *After the Natural Law*: 2016 ...op cit., n. 5

⁹ Augustine: *City of God*, Translated by Marcus Dods. From Nicene and Post-Nicene Fathers, First Series, Vol. 2. Edited by Philip Schaff. (Buffalo, NY: Christian Literature Publishing Co., 1887.) Revised and edited for New Advent by Kevin Knight. <<http://www.newadvent.org/fathers/1201.htm>>.

¹⁰ Marcus Tullius Cicero, *The Political Works of Marcus Tullius Cicero: Comprising his Treatise on the Commonwealth; and his Treatise on the Laws*. Translated from the original, with Dissertations and Notes in Two Volumes. By Francis Barham, Esq. (London: Edmund Spettigue, 1841-42). Vol. 2. 10/29/2019. <https://oll.libertyfund.org/titles/545>

¹¹ Chroust, Anton-Hermann. "The Philosophy of St. Augustine." *The Philosophical Review*, 53(2) 1944. 195-202

things created is but the divine wisdom. Although, the early Greek philosophers predicted an unwritten divine law that precedes all human laws and in coexistence with the external order of things. The Stoics always referred to the “eternal cosmic law”, which to them is identical with the eternal reason that cuts across the universe. This *lex aeterna* of the Stoics lacked one basic ingredient; the realization that it is the will and wisdom of a personal Creator.

St. Augustine was quite in accordance with his theistic philosophy, that the "eternal law is the divine reason and the will of God which commands the maintenance (observance) of the natural order of things and which forbids the disturbance of it. St. Augustine laid the foundation for natural (moral) law of the following centuries by introducing the basic concept of “*lex aeterna*.”. Augustine’s understanding of creation and natural law fit into a larger pattern of fourth-century Christian theological development.¹² Augustine’s teachings and philosophy formed the basis of Christian understanding of God and creation. The wisdom or will of God, which is itself the eternal law governing and ordering the created Universe according to the divine plan, forms the most basic law.¹³ This law as observed by Thomas Aquinas is immutable, never changing according to circumstances and applies to all human beings irrespective of situation in life. It is on this basis of eternal law, otherwise conceived as Natural Law that Augustinian theology came into being. Early Christians had the problem of distinguishing God, the father and the Son and the Holy Spirit. Augustinian theology proved to mankind that the Trinity is but one person under God. The teachings of Augustine were the basis of the Nicene Creed and monotheism in Christian covenant with God. This paper draws on Augustine’s religious and political thoughts to discuss the Christian ideas of natural law, covenant and dual citizenship both temporal and spiritual with respect to statesmanship.

The Christian ideas of covenant with God is rooted in the Augustinian theology of God being the eternal and absolute being. The precepts of temporal law that is man-made law cannot provide justice and virtue except it is controlled by the eternal law or Natural Law.¹⁴ The Augustinian distinction of citizenship of those who find a blessed life in Christ and cleaves to Him, and those who cling to the political community or secular state explains the concept of spiritual and temporal citizenship, respectively. The perception of Statesmanship in the

¹² Ortiz, Jared. Augustine’s Understanding of Creation; Book Chapter: You Made Us for Yourself, Chapter 1. Augsburg Fortress, Publishers. 2016.

¹³ Chroust, Anton-Hermann. Op. cit., n.11

¹⁴ Chroust, Anton-Hermann. “The Philosophy of St. Augustine.” 1944, ... op cit., n.11

founding of America and the commitment of our Founders and subsequent Americans for limited government plays a significant role in how current Americans think about politics. The idea of doing good and being virtuous is the natural obligation of true statesmanship. Little wonder, that Thompson quotes a letter from John Adams to Jefferson in 1815 stating “the question before the human race is whether the God of nature shall govern the world by his own laws, or whether priests and kings shall rule it by fictitious miracles.”¹⁵ These words capture the essence of the obligation of our founding fathers in ensuring that the American Republic is founded on the principles of justice that follows a natural law tradition.

Augustine in the City of God declares that the citizens of God are those who do good and believe in the existence of God as the ultimate creator of all things good.¹⁶ The philosophy behind the doctrine of dual citizenship; citizen of the temporal world and a citizen of the spiritual world form the foundation of political and social concepts of Augustinian theology. The idea of two cities; the city of God and the earthly city are regenerate progeny of Adam and Eve, who are damned by the fall of Adam in the garden of Eden. Citizens of the earthly city are given to damnable and material things, domination over others and things of the flesh, hence have chosen the path of evil. Whereas the citizens of God’s city are given to purity, innocence, the good of living with the fear of God, not doing evil and spiritually bound. The guiding principle being as stated in the book of Mathew 7:12 (King James Version), “In everything, then do to others as you would have them do to you.” This Biblical injunction given by Christ is the foundation of moral virtue and the basis for natural justice and eternal law. Christ continued in the same verse to say, “For this is the essence of the Law and the prophets.” Secondly, in Mathew 22:39 (King James Version), Christ told the Pharisees who had gathered to hear him, “Thou shalt love thy neighbor as thyself.” Scholars have been quick to observe that these sayings of Christ in the New Testament are in tandem with the Decalogue given to Moses by God in Exodus 20: 1-17 and Deuteronomy 5, 6-21.¹⁷ The Biblical injunction in the

¹⁵ Thompson, Kenneth W. “Religion and Politics in the United States: An Overview.” *The Annals of the American Academy of Political and Social Science* Vol. 483, January 1986

¹⁶ Augustine: City of God, Translated by Marcus Dods. From Nicene and Post-Nicene Fathers, First Series, Vol. 2. Edited by Philip Schaff. (Buffalo, NY: Christian Literature Publishing Co., 1887.) Revised and edited for New Advent by Kevin Knight. <<http://www.newadvent.org/fathers/1201.htm>>.

¹⁷ See (Wolfe 2006, Budziszewski 2011 and Hittinger 2003): Wolfe, Christopher. *Natural-Law Liberalism*, Cambridge, United Kingdom: Cambridge University Press, 2006; Budziszewski, J. *The Line Through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction*. Wilmington, DE: Intercollegiate Studies Institute. 2011; Hittinger, Russell. *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, by ISI Books, Delaware, USA, 2003.

Decalogue forms the basis of God's covenant with man and the conditions for attaining the citizenship of God's eternal Kingdom as espoused by Augustine.¹⁸

In Augustinian theology, God is omnipotent, omnipresent and omniscience. God is perfectly self-sufficient, lacking in nothing and in his fullness, there is pleasure for evermore. And to those who believe, the city of God as Augustine declares is for them to eternity.¹⁹ This ultimate covenant forms the foundation of good and evil. In the political life and service to humanity, our founding fathers understood this concept of statesmanship following their understanding of God as the ultimate source of power and authority. Statesmanship requires the individual to acknowledge the sovereignty of God. To do justice, one must abide with the grace, and the idea and principle of justice as St. Augustine stresses the necessity of man to do good, in the beginning there was no written laws as the law was inserted in the very nature of all things created. However, this law was later obscured in the mind of man through inclination to evil. Some scholars discuss the position of Thomas Aquinas that supports Augustinian theology on the basis that natural law is eternal and immutable emanating from God, but human laws are temporal and does not promote virtue.²⁰ The foundation of Christian theology is the love of God, loving God connotes the love of all things created by God, and not doing evil to God's creatures. True Statesmanship and citizenship of the Spiritual City of God implies being in God's covenant, as enshrined in the Decalogue, as opposed to man's temporal abode on earthly city.

Aquinas opines that the fundamental principle of natural law is that good is to be done and evil avoided.²¹ This is, one might say, a principle of intelligibility of action: only action that can be understood as conforming with this principle, as carried out under the idea that good is to be sought and bad avoided, can be understood as an intelligible action. But no one can in acting simply pursue good — one has to pursue some particular good. And Aquinas holds that

¹⁸ For a detailed discussion on the Decalogue and covenantal statesmanship (See Chroust 1944, Robitzsch 2017, Riesbeck 2016); Chroust, Anton-Hermann. "The Philosophy of St. Augustine." ...op cit., Robitzsch, J.M., "The Epicureans on Human Nature and its Social and Political Consequences," Polis, 34: 1–19. 2017; Riesbeck, D.J., Aristotle on Political Community, Cambridge: Cambridge University Press. 2016.

¹⁹ Wolfe, Christopher. Thomistic Natural Law and the American Natural Law Tradition; Book Chapter: St. Thomas Aquinas and the Natural law Tradition, Chapter 7. Catholic University of America Press. 2004.

²⁰ See Wolfe (2006) and Hittinger (2003); Wolfe, Christopher. *Natural-Law Liberalism*, Cambridge, United Kingdom: Cambridge University Press, 2006; Hittinger, Russell. *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, by ISI Books, Delaware, USA, 2003.

²¹ Baraz, Y., *A Written Republic: Cicero's Philosophical Politics*, Princeton: Princeton University Press. 2012

we know immediately, by inclination, that there are a variety of things that count as good and thus to be pursued — life, procreation, knowledge, society, and reasonable conduct are all mentioned by Aquinas.²² This list is in no way exhaustive. When we focus on the recipient of natural law, that is, us human beings, the thesis of Aquinas's natural law theory that comes to the fore is that natural law constitutes the basic principles of practical rationality for human beings and has this status by nature.²³ The notion that natural law constitutes the basic principles of practical rationality implies, for Aquinas, both that the precepts of natural law are universally binding by nature and that the precepts of natural law are universally knowable by nature.²⁴ In this light the truth of Being that Natural law proposes is found in the concept of idealization of Statesmanship as envisioned by Aristotle in the proposition of virtue as what produces harmony in a state. Plato's statesman possesses *phronesis*, which is interpreted as practical wisdom.²⁵ Little wonder, according to Budziszewski that Pope Benedict XVI, Joseph Cardinal Ratzinger requested Catholic Universities to imbibe a culture that would encourage the teaching of natural law to contemporary society.²⁶ This is for natural law to contribute in molding the character of the youth towards building the mind of a statesman. The writings of Plato and Aristotle support this analogy of maintaining a strong link between natural law and the society, not only as fact, or theory but also as a sign of contradiction to the understanding of a Supreme deity that is sovereign to the concept of human existence.

In Thomas Aquinas seminal work *Summa Theologica* the divinity of natural law was upheld as God's Law, given to Man. Although, Aquinas recognizes that natural law is inherent in man as the order of doing good, he opines that we need reason to understand the nature of the law and God, giver of law. As a result, Man is only guided by his conscience, which he referred to as *synderesis*. Thomas Aquinas' account of Christian kingship shows that Christ's headship is premised on two factors; that Christ exercises dominion over the Church, and that

²² St. Thomas Aquinas, *The Summa Theologica*, Benziger Bros Edition, 1947. Translated by Fathers of the English Dominican Province.

²³ Wall, Edmund, "Toward a Unified Foundation of Natural Law Ethics," *American Catholic Philosophical Quarterly*, 84: (2010), 747–779.

²⁴ Woolzley, Anthony. Plato and the Need for Law. *The Philosophical Quarterly*, 60(239), (2010). 373-395.

²⁵ Stern, Paul. The Rule of Wisdom and the Rule of Law in Plato's Statesman. *American Political Science Review*, 91(2), (1997). 264-277.

²⁶ Budziszewski, J., *The Line Through the Heart: Natural Law as Fact, Theory and Sign of Contradiction*. ISI Books, Wilmington, DE. 2009.

this dominion is aimed at communicating the grace of Christ as the Head of the Church. This analogy draws from traditional Christian belief that Christ is King as professed in Ephesians 5:5 (King James Version) that “For this ye know, that no whoremonger, nor unclean person, nor covetous man, who is an idolater hath any inheritance in the kingdom of Christ and of God.” Although, Christ’s kingship did not fall short of rebuke when he was put on the cross in Mark 15:32 (King James Version), “Let Christ the King of Israel descend from the cross, that we may see and believe. And they that were crucified with him reviled him.” Aquinas conception of Christ as the head of the church and Christians to live a life of Christ reflects on the Augustinian theology of the goodness of man and the inhabitants of the City of God as opposed to the city of man.

Aquinas charged the King of Cyprus that the origin of kingly government and the things which are supported therein must be deeply rooted in Christ, who is the King of Kings, Lord of Lords and through him Kings shall rule to find salvation for mankind. In the same vein, Augustinian theology finds an earthly damnation for the evil man and a paradise in the city of God for the man of good deeds. The fundamental truth is that to live or inherit the kingdom of God, one must be Christ-like.²⁷ To be Christ-like is to denounce evil, eschew avarice and bitterness against one another but embrace justice and equity as the Bible declares in Proverbs 29:2 (King James Version), “When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn.” This Biblical injunction connotes true statesmanship. A statesman is one who brings grace and abundant blessings to his people. To this end, a Christian statesman leads with the authority of God and the fear of breaking the covenant between man and God as enshrined in the Decalogue; to eschew evil acts that would bring pain and anguish to his subjects.²⁸ To this end, it is evidently clear that the classical natural law concept provides reasonable basis for the development of Christian Natural Law ideas.

²⁷ Ortiz, Jared. *Augustine’s Understanding of Creation*; Book Chapter: You Made Us for Yourself, Chapter 1. Augsburg Fortress, Publishers. 2016.

²⁸ Hittinger, Russell. *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, by ISI Books, Delaware, USA, 2003.

Medieval and Reformed Christian Philosophy of Natural Law

This section discusses the influence of medieval and reformed Christian philosophers like Martin Luther, Richard Hooker and John Calvin on the Christian Natural Law doctrine. The thesis draws on the understanding of the reformation proposed by these thinkers following the perceived drawbacks of the administration of the Christian institution by the Pope. These thinkers individually and collectively called for the separation of civil offices from the Christian institution. They posit that since the church was failing in carrying out the dual responsibility of both civil and ecclesiastical duties, it would be in the interest of Man to separate the administration of the State from the church. As a result, elected Magistrates could manage the affairs of civil offices while ecclesiastical Bishops and King will be more concerned with matters of salvation of the soul.

Following the death of Aquinas there was a negative tide of medieval philosophers who turned against the connection of intellectual participation between human beings and God. Leading this pack of medieval reformers was William of Ockham (1278 – 1347), whose theories of nominalism broke the Thomism epistemology that human knowing was grounded in rational participation. Pryor observes that Thomistic realism maintained that human ideas ultimately derived from matters in heaven.²⁹ Furthermore, that everything on earth was analogous to a divine idea. Nonetheless, nominalism denied realism and limited itself to the perspective that scholars refer to the order of the human mind. Nominalists like Ockham did not deny the existence of natural law, however, they opined that natural law was bound as law only because God's Will imposed it on humanity. Afterwards, there was a loose intrinsic correlation of the orders of the divine mind, nature, and the human mind was severed.

The central theme of Luther's theology of the cross is premised on the belief that justification is bestowed rather than achieved. This doctrine springs from the fact that justification is not based on human righteousness, but on God's righteousness – as revealed and confirmed in Christ.³⁰ Luther found a word of hope in St. Paul, revealing assurance and discovered the graciousness of God. The discovery of God's graciousness and the sanctity of

²⁹ Pryor, Scott C., "God's Bridle: John Calvin's Application of Natural law." *Journal of Law and Religion*, 22(1), 2006/2007, 225 – 254.

³⁰ Marshall, P. (Re)defining the English Reformation. *Journal of British Studies*, 48(3), (2009). 564-586.

his purpose for man on earth is inspired by a gift of salvation that is received and not achieved.³¹ To this end, Luther argues that salvation is a presupposition in the life of the Christian not its goal. This fervent belief spurred his rejection of indulgence and placed him into a critical theology of understanding the cross. Luther rejected the covenant model of theologies – which reflects a turning point in his anthropology of a Christian.³² In Luther's illustration the goal of a Christian life is to grow in righteousness, in other words one must work to improve on his bad side. Luther's theology is strictly based on the Word of God, the scriptures. Luther appealed to scripture and right reason in his Ninety-Five Theses, stating that reason can be an aid to faith, because it helps to clarify and organize, but it is always second order discourse.

Luther in *Secular Authority* questioned to what extent should secular laws be obeyed.³³ He contends that out of perversity and caprice, without any scriptural basis, the Sophists argue that Christ has abolished the law of Moses, without conceding to the words in Matthew 5:19 (King James Version) "Whosoever, therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven: but whosoever shall do and teach them, the same shall be called great in the kingdom of heaven." This Biblical injunction restates the covenant between man and God, Luther opines that those belonging to the kingdom of God are true believers in Christ and are subject to Christ. Luther follows the doctrinal theology of Aquinas in stating that Christ is the King and Lord in the Kingdom of God, however he contends that all who are not Christians belong to the world and are under the law. God has provided for non-Christians a different government under the sword to be guided by their conscience since according to Augustinian Theology both city of God and the city of man exist side by side for the regenerated and depraved mind respectively.

Hooker's view of the Reformed Christian tradition was premised on the identification of the Puritans with the Restitution motif, which is so important to the Anabaptist view of history and composed of three basic elements; a glorification of the primitive church as the "golden age" of the Christian faith, a bemoaning of the church's "fall" from this glorious state,

³¹ Luther, Martin. *Secular Authority: To What Extent It Should be Obeyed*.

³² Ortiz, Jared. *Augustine's Understanding of Creation*; Book Chapter: You Made Us for Yourself, Chapter 1. Augsburg Fortress, Publishers. 2016.

³³ Luther, Martin. *Secular Authority*, ... op cit., n.31

a desire for the “restoration” of the primitive church.³⁴ The last four books *Of the Laws of Ecclesiastical Polity* Hooker remained steadfast with the Christian covenantal statesmanship to the extent of suggesting the preservation of the English Monarch as the Head of the Reformed Church.³⁵ His goal was to show that as Luther proposed that secular authorities could hold religious offices and vice versa. He opined that Christian kingship is ordained by God and as a result earned by his Grace.

The main Christian contribution to the Natural Law doctrine was the insistence that every human person has an immortal soul that is capable of attaining salvation by God.³⁶ The revolution of civilization with the gospel was a success but many religious offices were so engulfed with temporal authority because the actual civil authority were resentful. This coalesced with the idea that Christian ministers should return to the church and leave civil offices.³⁷ Luther showed in *Secular Authority* that Christians can hold civil offices since the regenerated and the depraved live together according to Augustinian theology. McGrade & Hooker argue that Christian leaders are better fitted to protect the state because lawlessness by the depraved is always a threat to the salvation of the soul, which is the ultimate virtue.³⁸ Luther professes that no one can become pious before God by means of secular authority, without Christ’s spiritual rule. Therefore, justice and true statesmanship is sought by upholding the truth as given by the scriptures. In the light of this, Luther restates that Christ did not wield the sword nor give it a place in His Kingdom, because he is a king over Christians and rules by His Holy Spirit alone. He stated that unlike the kingdom of man which is protected with the sword, the kingdom of Christ is protected by the Holy Spirit, which forms the basis of Christian covenant and statesmanship with Christ.

³⁴ Richard Hooker, *The Works of that Learned and Judicious Divine Mr. Richard Hooker with an Account of His Life and Death* by Isaac Walton. Arranged by the Rev. John Keble MA. 7th edition revised by the Very Rev. R.W. Church and the Rev. F. Paget (Oxford: Clarendon Press, 1888). 3 vols. Vol. 1. 11/21/2019. <<https://oll.libertyfund.org/titles/921>>

³⁵ Luoma, John K., *Restitution or Reformation? Cartwright and Hooker on the Elizabethan Church*. *Historical Magazine of the Protestant Episcopal Church*, 46(1) (March 1977, 85-106.

³⁶ Hill, John L., *After the Natural Law*: 2016, ... op cit. n.5

³⁷ See Becic (1959) and Dackson (1999) for the changes in the Roman Catholic church following the Reformation. Becic, Marilyn Jean, "Richard Hooker and His Theory of Anglicanism" (1959). Master's Theses. 1540.https://ecommons.luc.edu/luc_theses/1540; Dackson, W., Richard Hooker and American Religious Liberty, *Journal of Church and State* Vol. 41, No. 1 (WINTER 1999), pp. 117-134

³⁸ McGrade, A., & Hooker, R. (1968). The Public and the Religious in Hooker's "Polity". *Church History*, 37(4), (1968). 404-422.

Hooker advanced the ideology of abandonment of the vestiges of the Pope, especially in England; removal of patronage and allegiance with transferring episcopal authority to the elders, with the government of the church to be entrusted to ministers, deacons, and an exclusive reliance on the commands of divine law as a guide for human conduct.³⁹ Hooker further argues that the most extreme opposite of true religion is “affected atheism.” Hooker used rhetorical negotiation, which is commonly found in post-1558 Elizabethan texts to reflect a complex religious and political culture that confront ecclesiastical politics to construct religious identity within competing systems.⁴⁰ Hooker deliberately links the Church of Rome and the Church of Geneva for the specific political purpose of enhancing the notion of England’s established Church as a true visible church. Hooker was more interested in developing the idea of what became known as England’s ecclesiastical reformation as a restoration of apostolic Christianity, suggesting that the Church of England is the legitimate earthly manifestation of the Church of Jesus Christ.⁴¹ As a result, Hooker condemned the church in Rome and Geneva claiming they have embraced extreme positions on revelation, positions that reflect maimed intellectual processes and so have the potential to disrupt the church’s presence in the world.

Another leading light that brought about a systematic reform to Christian Natural law thought was John Calvin,⁴² whose doctrine returned the spirituality of the Church after the disintegration of the ecclesiastical powers. Calvin’s ultimate goal was to restore hope to members of the flock in return with the beatitude of God. Calvin was a Christian Republican, who recognized that religious and civil authorities should be separated but run side by side. Calvin was very optimistic about Natural Law and aligned himself with the Thomistic and Aristotelian concept – that “by nature man is a social animal.” Because of this anthropological reality, man is inclined to preserve society through law and order. The seeds of this law are implanted in man by natural instincts. For Calvin, the natural law constitutes an important aspect of knowing the rule for the conduct of life. He argued further in his *Institute of Christian*

³⁹ Becic, Marilyn Jean, "Richard Hooker and His Theory of Anglicanism" (1959), ... op cit.,

⁴⁰ Alamsy, R. P., The Elizabethan Church as Restoration: Notes on Richard Hooker’s Rhetorical Strategy, *Renaissance and Reformation*, 32(4), (Fall/Autumn 2009), 31-48

⁴¹ Alamsy, R. P., The Elizabethan Church, 2009., ... op cit., n.40

⁴² John Calvin, *The Institutes of the Christian Religion*, trans. Henry Beveridge (Edinburgh: Calvin Translation Society, 1846). 2 volumes in 1. [Online] available from <https://oll.libertyfund.org/titles/535>; accessed 11/29/2019; Internet.

Religion that if Gentiles by nature have “law righteousness” engraved upon their minds, we cannot say that they are blind to the conduct of life. Calvin emphasized the importance of the will of God in his writings, he was not a voluntarist. He rejected Ockham’s distinction between God’s absolute power and ordained power and professed the omnipotent capacity of God to do all things.⁴³ Calvin was eager to define this power of God as reliable rather than as an ungoverned, cruel, or tyrannical will. His rejection of the distinction between absolute powers of God and ordained power demonstrate this concern. Ignoring the nominalist emphasis on God’s reliable commitments to his ordained power, Calvin rejected the blasphemous separation of God’s power from his justice. He feared that such an alleged separation would turn God into a tyrant and his absolute will could toss men about. Calvin emphasized the depravity of the human intellect when it comes to the logic of understanding Natural law as God’s law. As a result, he distanced himself from the prevailing nominalist tradition. For Calvin there was only one mediator between God and Man – the Lord Jesus Christ – not only in the economy of salvation but also in the order of providence.

Calvin’s understanding of Natural Law is embedded in a complex and interrelated matrix of theological concepts; it does not stand alone. For a good understanding of Calvin’s position on Natural law we have to appreciate his idea of common grace. Following the lead of Augustine, Calvin held that one source of law to be found in nature but maintained that natural law does not derive from human standards but from God who originally created all things to be orderly, harmonious and good. The divine will, together with providence and the immediate knowledge of God forms the basis for the exercise of the faculty of judgment, in other words, the capacity by which humanity knows that there is a right and wrong. Also, the categories of given laws by God like the Decalogue and the mediated knowledge of God from experience inform the conscience, that faculty which fills the concepts of right and wrong with content. Providence is the means by which God continues to govern all events. Commenting on Psalm 104, Calvin writes that; “we are taught that the winds do not blow by chance, nor the lightings flash by a fortuitous impulse, but that God, in the exercise of his sovereign power, rules and controls all the agitations and disturbances of the atmosphere.” There is no doubt that

⁴³ Pryor, Scott C., “God’s Bridle: John Calvin’s Application of Natural law.” *Journal of Law and Religion*, 22(1), 2006/2007, 225 – 254.

the moral standing of society depends on our judgment of what is right and wrong and from time immemorial natural law has provided the basis for that.

Early Modern Natural Law Theories, Social Contract and Christian Moral Values

This section draws on the influence of early modern philosophers like Thomas Hobbes, John Locke and Jean-Jacques Rousseau on Natural Law theory based on their conception of the social contract model of organizing society into a coherent system of human beings with an ordered purpose for justice, liberty and the pursuit of happiness. This section further enlivens our understanding of how the Christian adoption of Natural Law has influenced the administration of political offices and to a large extent hold sway for admonition and determination of morals. Moral values are drawn from ethical standards, and ethics are an order of good human conduct as opposed to evil. One of the earliest modern theorists that conceived an idea of the State was Thomas Hobbes whose book *Leviathan* published in 1651 laid the ground work for the separation of civil authority from religious authority. In this era of rethinking the constitution of the sovereignty of the King and ecclesiastical Bishops as ordained by God, Hobbes proposed that a State should exist for the prevention of wars so that society could live in peace and harmony. Hobbes *Leviathan* was an aphorism for an artificial person who possess a soul and a body giving life and motion for civil offices to perform. He referred to this State or Commonwealth of persons surrendering their right to be governed to an artificial Man, who is the sovereign. For Hobbes, Natural Law gives everyone equal right to all God's creation. The purpose of government or the State is to protect the citizens from the effects of war. Hobbes reiterates that natural rights of liberty, justice and freedom should be upheld by the State for the citizens. And any government that cannot protect the citizens under the social contract is not worth its legitimacy.

The philosophers of the Enlightenment era like John Locke regarded natural law as imposed on us from the outside by God.⁴⁴ They strongly oppose the innate ability for conscience. However, Hobbes also worked in favor of human nature, but he conjectured that man is selfish by nature. Surprisingly, this pessimistic view of human nature did not last for too long as a

⁴⁴ Hill, John L., *After the Natural Law*: 2016, ... op cit., n.5

result of the protestant revolt earlier championed by Luther⁴⁵ and Hooker.⁴⁶ After the enlightenment era science became a challenge to the rational Christian thought leading to the contemporary notion that there is no such thing as objective morality.⁴⁷ According to Christian theologians, sovereignty manifest in the Natural Law or God's law. The Bible tells us in Leviticus 19:15 (King James Version) "Ye shall do no unrighteousness in judgment: thou shalt not respect the person of the poor, nor honor the person of the mighty: but in righteousness shalt thou judge thy neighbor." This Biblical injunction instructs that judgment shall be fulfilled with a righteous obligation, not for tyranny and oppression. As a result, setting up elected magistrates to run civil offices according to Calvin is far better than resulting to anarchy for the failings of ecclesiastical Bishops and Kings.⁴⁸ In Locke's 2nd Treatise of Government, he recommends the surrender to legislative and executive power of civil society, which is to judge by standing laws, how far offenses are to be punished, when committed within the commonwealth; and also, to determine, how far injuries from without are to be vindicated.⁴⁹ Garcia (2019) stated that by the middle of the 16th century, natural law had become such an important authoritative referent that in order to facilitate the discussion with pagans of the Indian tribes of the New World, many theologians and jurists proposed an affirmation of native laws that are not in flagrant violation of Christian divine Law. Because natural law existed before Christianity one is poised to argue that it is not an exclusive preserve of Christians but for all God's creation irrespective of religious inclination.

⁴⁵ Luther, Martin. Secular Authority: To What Extent It Should be Obeyed.

⁴⁶ Richard Hooker, The Works of that Learned and Judicious Divine Mr. Richard Hooker with an Account of His Life and Death by Isaac Walton. Arranged by the Rev. John Keble MA. 7th edition revised by the Very Rev. R.W. Church and the Rev. F. Paget (Oxford: Clarendon Press, 1888). 3 vols. Vol. 1. 11/21/2019. <<https://oll.libertyfund.org/titles/921>>

⁴⁷ Dackson, W., Richard Hooker and American Religious Liberty, Journal of Church and State Vol. 41, No. 1 (WINTER 1999), pp. 117-134

⁴⁸ John Calvin, The Institutes of the Christian Religion, trans. Henry Beveridge (Edinburgh: Calvin Translation Society, 1846). 2 volumes in 1. [Online] available from <https://oll.libertyfund.org/titles/535>; accessed 11/29/2019; Internet.

⁴⁹ Garcia, Jose Luis Egio. Towards a New Narrative of Natural Law Thinking in Early Modern Scholasticism. *Journal of the Max Planck Institute for European legal History*, 27, 2019. 280-283.

In Rousseau's argument of *The Social Contract*, only the general will of the people gives legitimacy to a law, whether natural or positive.⁵⁰ The social contract presupposes that man is born free but bound by the consequences of inordinate conditions imposed against his will by fellow men, especially the self-acclaimed rich. Before the social contract Man lived in the state of nature being guided by the order of good drawn from virtues and ethics. This order of good exists to protect Man, as early Christian philosophers like St. Augustine observe. Thomas Aquinas opined that Natural Law is based on the Decalogue and given to man by God for self-preservation and growth. However, early Christian Reformers in opposition to the conduct of the Pope called for the separation of civil authority from religious authority. John Calvin was an early advocate for elected magistrates to run administrative offices while ecclesiastical Bishops and Kings concern themselves with salvation of the soul for eternity. This era ushered in the separation of Church and State leading to the advent of democratic governance where the citizens surrender sovereignty to elected representatives as opposed to Bishops and Kings. Although the State is administered by positive codified laws, the ethical and moral guidelines for human behavior remains on the threshold of Natural Law. For instance, is it natural to consider abortion if a woman is made pregnant after being raped? This triggers a lot of argument in a modern democracy like the United States. The court's decision in *Roe v. Wade*⁵¹ is a pointer. In the same vein if a society abhors what the law upholds, as in the same sex marriage law in the case of Kim Davis, the Rowan County Kentucky Clerk, who refused to issue a marriage license to a gay couple by invoking "God's authority."⁵²

According to the Decalogue⁵³ – ten commandments given to Moses, which forms the basis of Christian Natural Laws. Man is bound by nature to obey God's law as a result every modern State or sovereign for the administration of the affairs of man is bound to follow the ethical

⁵⁰ Jean-Jacques Rousseau, *The Social Contract and Discourses* by Jean-Jacques Rousseau, translated with an Introduction by G.D. H. Cole (London and Toronto: J.M. Dent and Sons, 1923). [Online] available from <https://oll.libertyfund.org/titles/638>; accessed 12/3/2019; Internet.

⁵¹ *Roe v. Wade*, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the U.S. Constitution protects a pregnant woman's liberty to choose to have an abortion without excessive government restriction.

⁵² There is no doubt the constitution of the United States in no way invokes Biblical principles in the protection of the rights of citizens. However, the moral standing of individuals and their Christian principles upon which the American society exists allows the expression of one's religious belief and opinion but not to interfere with others (See Williams 2018).

⁵³ The Decalogue is the Ten Commandments, the list of ethical principles in Exodus 20:1–17 and Deuteronomy 5:4–21

values prescribed by the Decalogue for harmony and peaceful coexistence of God's creation. This order of good as opposed to evil knows no bounds of religion.

Contemporary Natural Law Scholasticism and Moral Theory of the State

In the previous section of this paper we observe that Christian Natural Law philosophy draws from the Decalogue, which is law given by God to Moses at Mount Sinai. According to the scriptures in Leviticus 26:46 (King James Version) "These are the statutes and judgments and laws, which the LORD made between him and the children of Israel in mount Sinai by the hand of Moses." In the classical era, the order of good proposed by Plato and Aristotle constitute the fundamentals of the ten commandments in the Bible. Although, Plato and Aristotle did not conceive any knowledge of the Bible during their time and were non-Christians, St. Augustine and Thomas Aquinas drew our attention to the divine nature of these commandments as God's order of good and virtue for Man to inhabit the earth to earn eternal glory. In subsequent years scholars have been able to decipher whether these scriptural codes of natural laws constitute a standard for moral virtues in the conduct of the State. In this section we shall examine the thoughts of some contemporary natural law philosophers, from John Rawls through John Finnis to Russel Hittinger, J. Budziszewski and Pope Benedict XVI to mention but a few, in order to figure out their views on the moral theory of the State.

These contemporary Natural Law theorists are mostly in the teleological philosophy of Thomas Aquinas and are referred to as Neo-Thomists. Neo-Thomists rely on the first principle of practical reason, which is oriented towards action and instantiations of good.⁵⁴ This is in tandem with the divinity concept of natural law and as espoused by Aquinas; human agents always contribute to the communal well-being and flourishing, to always avoid intentionally impeding or detracting from integral communal fulfillment. Rawls proposed an institutional order of overlapping consensus – knowing that human beings can live together in harmony despite conflicting ideals, so long as we share a moral commitment to our society's basic structure.⁵⁵ For Rawls an important take-away of modernity is that it is possible to live together under common rules irrespective of our religious beliefs, based on common rules that have a moral basis on the conception of good. Rawls advocate that free democratic societies must live

⁵⁴ Tollefsen, Christopher O. "The New natural Law Theory." Published on Natural Law, Natural Rights, and American Constitutionalism, <http://www.nlnrac.org>, downloaded 11/29/19.

⁵⁵ Pogge, Thomas. John Rawls: His Life and Theory of Justice. Oxford University Press. 2007

with such pluralism. He seeks to develop a conception of justice that the adherents of competing worldviews can morally endorse. Rawls proposed a free society in which the widely held moral, religious, and philosophical worldviews overlap in regard to a political conception of justice that justifies this society's basic structure. In Rawls proposition the institutional order that emerges is a compromise between different groups reflecting a bargaining equilibrium that accommodates the values and interests of each group according to its relative strength or threat advantage. Rawls further believes that the moral consensus he envisions must include a shared moral justification for the basic structure.

A very controversial issue that confronts modern Natural Law thinkers is the unification of Catholics and Protestants on the reasoning behind natural law. This could be inferred from the objective comparison of natural law as presented by Budziszewski and Hittinger.⁵⁶ Both authors draw on the common realism espoused by John Calvin in the sixteenth century stating that "The characteristics of a true sovereign is to acknowledge that in the administration of his kingdom, he is a minister of God. He who does not make his reign subservient to the divine glory, acts the part not of a King, but a robber. He moreover deceives himself who anticipates long prosperity to any kingdom which is not ruled by the scepter of God, that is, by his divine word. The heavenly oracle is infallible."⁵⁷ To this end, it has been declared in Proverbs 29:18 (King James Version) "Where there is no vision, the people perish: but he that keepeth the law, happy is he." Calvin affirms that natural law is implanted in Man by God without any lawgiver, and nothing can alter the moral intuition that goes with the understanding.

Hittinger has argued that many contemporary natural law scholars have deviated from the core of understanding natural law as God's providence, instead imposed a temporal order of social existence.⁵⁸ As a result, temporal becomes secular, relegating the divine nature of natural law professed by Aquinas and Aristotelian theologians. To this end, Hittinger accepts natural law as *first grace* – grounded in the mind of God and impressed on created reality and the human mind. He claims the providential foundation of natural law could be restored into

⁵⁶ Budziszewski, J. *Written on the Heart: The Case for Natural Law*. InterVarsity Press Downers Grove, IL. 1997; Hittinger, Russell. *The First Grace: Rediscovering the Natural Law in a Post-Christian World*, by ISI Books, Delaware, USA, 2003.

⁵⁷ John Calvin, *The Institutes of the Christian Religion*, trans. Henry Beveridge (Edinburgh: Calvin Translation Society, 1846). 2 volumes in 1. [Online] available from <https://oll.libertyfund.org/titles/535>; accessed 11/29/2019; Internet.

⁵⁸ Hittinger, Russell. *The First Grace*., 2003.... op cit., n.28

three orders; order in nature, order in human mind, and order in the divine mind. Hittinger's notion is to reconnect natural law doctrines to the orthodox Christian theology of creation especially as it applies to legislation and governance in a democratic society. However, Budziszewski, whose work *Written on the Heart* emphasizes the cognitive aspect of natural law as general revelation from God, focused on the conscience as the source of understanding the truth. This line of thought supports the divine nature of Natural Law in line with Aquinas teleology of *synderesis*. Budziszewski acknowledges natural law as an act of faith, that appears in five forms of general revelation: the testimony of creation, the fact that we are made in the image of God, the facts of our physical and emotional design, the law of conscience, the order of causality. His emphasis on conscience corresponds with Hittinger's category of order in the human mind. As a result of this analogy natural law could be used as a tool to craft civil order, which Hill refers to as the mechanistic application of natural law proposed by Descartes, the father of modern rationalism.⁵⁹

The ultimate end of all beings according to Thomas Aquinas is God alone, attained by the beatific vision.⁶⁰ The beatific vision is the only *good* that propels human society and public policy. In the order of *reason*, a true statesman could decipher that leadership is ordained by God as the scripture commands in Proverbs 21:3, "To do justice and judgment is more acceptable to the LORD than sacrifice." The Lord has counselled Man to do justice unto all and seek the virtues of good over evil in order to attain salvation. Joseph Cardinal Ratzinger (Pope Benedict XVI) casts a shadow of doubt on the characteristics of Law in modern society, he asks "How does Law come into being, and what must be the characteristics of law if it is to be the vehicle of justice rather than the privilege of those who have the power to make the law?"⁶¹ He asserts that it is on this sphere that the question of the genesis of the law readily comes to mind. In a democracy, the instrument of law is achieved by consensus since all collaborate in the genesis of the law. However, since total consensus among men is hard to achieve, the process of forming a democratic will relies either on act of delegation or on a majority decision. The majority may be antagonistic to a particular racial group or opposed to

⁵⁹ Hill, John L., *After the Natural Law*: 2016. ... op cit., n.5

⁶⁰ Finnis, John. *Aquinas: Moral, Political, and Legal Theory*. Oxford University Press. 1998

⁶¹ Ratzinger, Joseph Cardinal and Benedict XVI, *That Which Holds the World Together: The Prepolitical Moral Foundation of a Free State*. Book Chapter In: *Natural Moral Law in Contemporary Society*, Edited by: Holger Zaborowski. Catholic University of America Press, 2010.

a natural cause. In other words, the majority principle always leaves open the questions of the ethical foundations of the law. Since the world is made of different cultural forms, is it ethically correct for us to suggest that the world adopt the Christian Natural Law doctrine as a vehicle for the moral standing of the Statesman? The response to this is that if moral virtues are based on the natural laws enshrined in the Decalogue – ten commandments, it is not an exclusive preserve of Christian theology. The ten commandments had been given to Moses before the advent of Christianity. A State Law that is repugnant to Natural Law, may be obeyed, even though it offends the natural rights of a particular group. For example, the laws of Apartheid South Africa, Jim Crow laws in the United States and Nazi Laws against Jews in Germany, to mention but a few. If moral virtues drive State laws, there is a tendency that it would not be repugnant to natural justice, equity and good conscience. And as proposed by St. Augustine an unjust law is no law and should not be obeyed. The conflict between positive law and Natural law draws a lot of concern in this regard. Legal scholars and jurists like Oliver Wendell Holmes have denounced the application of Natural Law based on Morals as non-binding and has no effect on law. This conflict of the supremacy of written and codified laws over morals relegates natural laws to the premise of conscience.

Conclusion

In this paper we have been able to trace the philosophy of Natural law as the order of *good* as opposed to evil from Plato and Aristotle. Moving into the teleological stance of St. Augustine and Thomas Aquinas, we observe that the doctrine and the words of the tablet given to Moses at Mount Sinai – the Decalogue as the underlying principles of Christian Natural Law. Worthy of Note is the conjecture that Natural Law is imbibed in Man at creation before the advent of Christianity. To this end, one would argue that Natural Law is not an exclusive preserve of Christianity.

In the organization of a State from the classical through medieval and reformation era, we observe that it is a community of persons seeking to form a legitimate order of civil and political administration. And in so doing seek to forge a common mechanism that is based on the order of good as opposed to evil. A true statesman as we have observed in this paper is one who pursues the common virtue of right as opposed to wrong. A statesman seeks to lead his people with the fear of the Lord. According to St. Augustine and later John Calvin in the sixteenth century, natural law is inherent in Man. Medieval and Reformation thinkers have solicited for the separation of the administration of civil offices from ecclesiastical Bishops

and Kings. The concern was for elected Magistrates to run the affairs of the State and the ecclesiastical Bishops and Kings to concern themselves with the salvation of souls since according to Augustine the depraved and regenerate minds live side by side.

Under the Reformed Christian theology, natural law is the basis for justice, freedom of the mind and equity. In Proverbs 21:3, the LORD has counselled Man to do justice. Natural law could be used as a tool to craft civil order in society. Christians appropriated natural law reasoning through the premise that observations of creation ought to reveal aspects of God the Creator's will. In other words, what is natural is what God intends. For example, in the discussion of same-sex and abortion laws, Christians have held on natural law and Biblical concepts to denounce political actions and laws by the State. In Romans 2: 14-15, Apostle Paul wrote "When Gentiles, who do not have the law, by nature do what the law requires, they are a law to themselves, even though they do not have the law. They show that the work of the law is written on their hearts." The implication of this is that the substance of human existence is doing good, as Plato and Aristotle espoused in their teachings on Justice, Morality and Virtue.

For the rational mind, the Christian Natural Law that is received as the Decalogue from God depicts an order of good and in all fours are indispensable as a coherent Moral theory of the State. This is so because the established order of good in the Natural Law could be a formidable guideline for justice, equity, orderliness and democratic governance of a State. If Man in the state of nature could be guided by these set of ethical standards, then it is a permissible code of conduct for any institution of the State to run its civil and administrative offices in the interest of man and to the eternal Glory of God. However, the conflict between natural law and positive law is of concern, since the former is not codified, and society now relies typically on codes other than morals and ethics, then we are by necessity left to be guided by conscience.

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