

Review

Natural and Divine Law: Reclaiming the Tradition for Christian Ethics. By JEAN PORTER. Grand Rapids, Mich.: William B. Eerdmans, 1999. 340 pages. \$28.00.

In a recent course on Christian sexual ethics some of my students astounded me by stating that they “didn’t want to use the natural law at all.” I replied that not wanting to use the natural law might be tantamount to throwing out claims to a common human nature, but I am not sure that I convinced my students of this point, and I have struggled with trying to separate the “natural law” from much of the bad press it has attracted as a result of both its scholastic legacy and recent postmodern critiques of it. Therefore, Jean Porter’s book is particularly timely.

Porter is professor of Christian ethics and moral theology at the University of Notre Dame and has already well established herself as a preeminent interpreter of the Thomistic ethical tradition through the publication of *The Recovery of Virtue: The Relevance of Aquinas for Christian Ethics* (Westminster/John Knox, 1990) and *Moral Action and Christian Ethics* (Cambridge Univ. Press, 1995). She begins her third major book on the contemporary relevance of the scholastic ethical tradition with the observation that even theologians still tend to be “suspicious of it” and laments that this not only rejects a positive source for moral reflection in itself but overlooks in the process a rich resource for “developing a distinctively Christian account of the moral life” as well as “a potentially fruitful point of contact with the work of scholars in related fields” (p. 15). She hopes to point the way toward rectifying these principal deficiencies in Christian ethics by presenting a careful outline of the structure and relevance of the scholastic natural-law tradition for a Christian ethics that is in critical dialogue with both science and culture.

Following her Introduction, the first chapter turns to “Framing the Question.” Here Porter makes reference to evolutionary psychology, “built on the premise that human behavior can be explained, at least in part, as an expression of species-specific nature that can be interpreted in terms of evolutionary adaptations,” and argues that “the idea of a morally significant human nature is an idea whose time has come, or has come again” while recognizing that “this idea is [not] accepted by everyone” (p. 26). The second chapter, “Nature and Reason,” turns to a careful consideration of the sources and context of the various scholastic concepts of the natural law and marks a major contribution to the field, as Porter demonstrates that common perceptions of the scholastic natural-law theory are significantly flawed, while the scholastics’ understanding and application of human “nature” was far more nuanced than most have realized. The third chapter

on “Scripture and the Natural Law” argues that, rather than using the Bible in a superficial or proof-texting manner, scripture not only grounds the basic approach to the overall conceptualization of the natural law but also guides the identification of concrete moral content of natural law norms. Porter admits that “the scholastics read Scripture through a set of assumptions about what a natural law principle is, and this in turn determines which scriptural norms they consider to be expressions of the natural law” (p. 138), but she does little to tackle the implications of this hermeneutics for both the theory and application of the scholastic natural law over the centuries—a problematic that has attracted considerable attention among biblical scholars in general and feminist theologians in particular.

Porter turns from theory to scholastic application in the next two chapters. The fourth chapter on “Marriage and Sexual Ethics” relies heavily on the magisterial tomes of John Noonan and James Brundage but also provides a good synthesis of both the development and implications of the scholastic sexual ethic. She forthrightly acknowledges that “Many (but not all) of the scholastics hold a view of sexuality according to which sexual pleasure is a corruption of nature and the pursuit of such pleasure is always more or less sinful” (p. 188) and recognizes that this bias creates an obstacle to contemporary usage of scholastic natural-law theory in sexual ethics. However, Porter argues that it is possible to appropriate “scholastic insights into the human and theological significance of sexuality while also allowing for subsequent developments in our understanding of what counts as natural and appropriate in sexual relations” (p. 190). Her analysis of the procreative paradigm out of which the scholastics operated is insightfully done, but it is questionable just how widely accepted the reappropriation of the scholastic contribution to contemporary sexual ethics will be. Porter touches briefly on the scholastic tendency towards misogyny but qualifies this presupposition considerably. She shows, for example, how the theological commitment to marriage as a sacrament had the effect of reforming medieval marriage practices and fostering greater equality between the sexes. However, in this area it seems that Porter’s respect and enthusiasm for scholastic thought may have led her to overlook and/or downplay the effects of such theological antipathy toward women, which have played themselves out for far too long in Western society.

The fifth chapter turns to social ethics, tackling two thorny issues that confronted the scholastics: servitude and social persecution. Porter concludes that in both instances “the scholastics did not succeed in applying their own principles as consistently as they should have done, and yet their concept of the natural law did enable some of them to recognize the problematic character of these practices and to protest again them” (p. 245). However, others might well argue that this very inconsistency not only betrays a high level of particular social conditioning of scholastic natural-law theory, which for its part has made strong universalist claims meant to transcend both culture and history, but also indicates significant limitations and weaknesses in using such a theory to address concrete social ethical issues. Nevertheless, Porter maintains that a contemporary retrieval of the scholastic natural-law-based social ethic “offers a distinctive and theologically more satisfactory alternative both to withdrawal into a Christian enclave [à la Stanley Hauerwas, John Howard Yoder, and John Milbank] and to Reinhold Niebuhr’s Christian realism” (pp. 245–46).

In sum, Porter outlines two strong arguments for continued use of scholastic natural law theory. Positively, “the scholastics remind us that we live in a world that we did not make, under the sovereignty of a Creator whose goodness we can trust but whose designs will always be to some extent opaque to us” (p. 306), namely, a vision into human reality, which is trustworthy and morally insightful, even if not absolutely infallible. The second principal argument might be termed “negative,” in that natural-law theory provides a defense against falling into a “sheer moral relativism” (p. 308) that results from considering morality as essentially a human construct. Thus, Porter concludes, “the scholastic concept of the natural law suggests a way to respond to contemporary challenges to the existence of an objective morality that does justice to what is valid in these challenges while avoiding the conclusion that morality is solely the product of contingent social forces of the expression of a collective will to power” (p. 308). The book reads very well and merits a wide audience.

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