

THE PLACE OF THE NATURAL LAW

A MACINTYREAN RECONSTRUCTION

EL LUGAR DE LA LEY NATURAL

una reconstrucción macintyriana

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ABSTRACT

The purpose of this paper is to scrutinize the precepts of natural law and, in particular, their metaphysical and epistemic relationship to human nature, rationality, theology, tradition, and practices. In this paper, the account of natural law is based on Alasdair MacIntyre's approach. However, since his claims regarding the dependence or independence of natural law from the notions previously mentioned might often seem ambiguous, the discussion along the essay engages in a reconstruction of a plausible approach to both understand MacIntyre's claims concerning this topic, and to conceive natural law. MacIntyre argues that we can conceive the precepts of natural law as the precepts of rational enquiry that we need to pursue in order to overcome the one-sidedness of our beliefs. The essay takes this line of argument considering MacIntyre's account of natural law as successful and questions the place of the established norms. As MacIntyre argues that all standpoints imply at least an implicit, even if not explicit, adherence to the authority of natural law in virtue of their claim to the truth, it is argued that regardless of the exact content of our practices and beliefs towards human nature, traditions, and religion, humans can learn the basic requirements of natural law. This consideration is valid even if natural law itself is metaphysically dependent on human nature or God. However, specific practices and beliefs can either shed more light or obscure the precepts of natural law. Hence, it is essential to learn from various traditions, religions, practices in a shared enquiry which norms aspire to follow the actual precepts of natural law, as carefully as possible.

Keywords: Alasdair MacIntyre; natural law; human nature; ethics and religion; tradition; practices

RESUMEN

El objetivo de este artículo es hacer un escrutinio de los preceptos de la ley natural y, en particular, mostrar su relación metafísica y epistemológica con la naturaleza humana, la racionalidad, la teología, la tradición y las prácticas. En este artículo, la consideración de la ley natural se basa en el enfoque de Alasdair MacIntyre. Sin embargo, desde sus afirmaciones sobre la dependencia o independencia de la ley natural junto con las nociones previamente mencionadas que a menudo podrían parecer ambiguas, la discusión a lo largo de este ensayo involucra una reconstrucción de una aproximación posible para entender las

afirmaciones de MacIntyre en relación a este tema, y para concebir la ley natural. MacIntyre argumenta que podemos concebir los preceptos de la ley natural como los preceptos de la investigación racional que necesitamos seguir en orden a superar la unilateralidad de nuestras creencias. Este ensayo sigue esta línea de argumentación considerando la explicación de MacIntyre de la ley natural como exitosa y capaz de cuestionar el lugar de las normas establecidas. Como MacIntyre argumenta que todos los puntos de vista implican al menos una implícita, incluso si no explícita, adhesión a la autoridad de la ley natural en virtud de su pretensión de verdad, yo argumento que independientemente del contenido exacto de nuestras prácticas y nuestras creencias hacia la naturaleza humana, las tradiciones y la religión, los seres humanos podemos aprender los requerimientos básicos de la ley natural. Esta consideración es válida incluso si la ley natural es en sí misma metafísicamente dependiente de la naturaleza humana o de Dios. Por lo tanto, es esencial para aprender de las diferentes tradiciones, religiones, prácticas en una investigación compartida cuyas normas aspiran a seguir los verdaderos preceptos de la ley natural, tan cuidadosamente como sea posible.

Palabras clave: Alasdair MacIntyre, ley natural, naturaleza humana; ética y religión, tradición, prácticas.

Introduction

Even though accounts of natural law are supposed to resolve moral disagreements and to solve a large variety of philosophical problems, they tend to generate dissent. Alasdair MacIntyre acknowledges this problem, and, in turn, argues in support of his account of natural law partly based on the argument that there are profound moral disagreements about ethical questions in general, and about natural law in particular. His goal is to identify norms that can help us in our shared inquiries aimed at solving these disagreements and learning from them, i.e., to identify which norms are considered to be the precepts of natural law.

The purpose of this paper is to scrutinize the status of these precepts. The essay takes MacIntyre's account of the success of natural law (which is summarized in the first part), and questions the present status of the established norms and the way they relate to human nature, rationality, theology, tradition, practices and, in particular, MacIntyre's account of these notions. There are some claims made by MacIntyre on natural law that are ambiguous – either because some claims that he makes in some of his writings seem to be contradicted by other claims that he makes somewhere else, or simply because a claim that he makes about natural law could be interpreted in many different ways. The intent here is to offer an interpretation of his works that might solve this apparent confusion. The endeavour is partly hermeneutical as the first aim of the essay is to provide a plausible understanding of what is considered to be MacIntyre's most important papers on the subject, and partly systematic, as another goal is to make MacIntyre's arguments themselves dialogue with the arguments presented in this essay to provide a plausible understanding of the place of natural law itself. Therefore, this essay is a work dedicated to the rebuilding MacIntyre discursive strategy about natural law and also a macintyrean reconstruction of the role of natural law itself.

MacIntyre's Argument for Natural Law

The papers in which MacIntyre discuss natural law offer various arguments that support his understanding of it. While details vary, the core of the argument seems to be the following. First, we need to learn various things in our lives. Second, we need to sustain shared enquiries with others in order to learn. Third, we need to uphold specific precepts in order to make such enquiries sustainable and prosperous. Therefore, we need to observe the precepts of these kinds of enquiries.

We need to learn in order to correct our false beliefs, and we need to settle our practical disagreements with others. The things that we need to learn about include our goods and the ultimate good and ourselves. The reason why we need shared-enquiry in order to learn is that in our inner selves, we often miss some crucial truths about these issues and we are carried away in our perceptions of them by our irrational passions, biases, and partialities. We need to observe certain norms in our enquiries because, if we do not, we can quickly put an end to them by offending our conversational partners in various ways or by threatening their rationality in other ways.

The norms that we need to observe usually include positive precepts and negative precepts. The positive precepts include, among other precepts, the minimum requirements of such virtues as truthfulness (MacIntyre, 2006b: 48), endurance, patience, considerateness, and generosity (MacIntyre, 1994: 184–5). The negative precepts include, among other precepts, the prohibition against murder, theft, and in general, the prohibition against offending anyone's dignity (MacIntyre, 1994: 177). Presumably, MacIntyre would also say that natural law requires the observation of the golden rule, too (MacIntyre, 2006b: 58).

These precepts are relevant in all of our relationships, though sometimes in his writings MacIntyre only says that natural law requires people to pay 'unqualified respect for those with whom they enter into debate' (MacIntyre, 1994: 173). Could this mean that we only need to conform to these precepts when we are dealing with our conversational partners? As he explains, these precepts do not concern only those with whom we are engaged in enquiry, instead (as he explains this concerning the virtue of truthfulness) we need to 'embody a respect for the rationality of all persons who are or could be involved in all actual or potential relationships' (MacIntyre, 2006g: 138, cf. MacIntyre, 2009a: 316).

MacIntyre summarizes his points in the following way: there are 'universal and invariant requirements' which 'specify the preconditions for the kind of responsiveness [...], which makes it possible for each to learn from the others [...]. They are the preconditions of a kind of rational conversation in which no one needs fear being victimized by others as the outcome of their engagement with those others.' (MacIntyre, 1994: 184) If we are not obedient to these precepts, we compromise our very rationality – we are not acting rationally, as it would be rational to sustain such engagements that help us in discovering the truth. Nevertheless, if we disobey these precepts, we irrationally threaten or even victimize our conversational partners in a way that gives them a strong reason to stop their ongoing rational conversations with us and either switch to a manipulative kind of discourse or to stop the conversation in general. MacIntyre argues that these relationships are essential to our rationality. If there is no 'unconditional obedience to such precepts, there cannot be shared rational deliberation, and without shared rational deliberation, there cannot be rational agents.' (MacIntyre, 2016: 56–7). In the same vein, he claims that the precepts of natural law 'are definitive, therefore of what human beings share by nature, as rational beings. Moreover, they are, in fact, the requirements imposed by the precepts of natural law.' (MacIntyre, 1994: 184)

The fact that these requirements define our nature is not the only reason why MacIntyre calls them the precepts of natural law. He thinks that 'the set of precepts conformity to which is a precondition for shared rational enquiry [...] have the same content as those precepts that Aquinas identified as the precepts of natural law.' (MacIntyre, 2009b: 23) Furthermore, he claims that the precepts of rational enquiry 'share other characteristics that belong to the precepts of natural law' (MacIntyre, 2009b: 23), and he goes on to say that these characteristics include universality, exceptionless, and non-inferentiality. However, in what sense could we attribute the meaning of being 'natural' to this law?

Relationship to human nature and rationality

As we have seen, MacIntyre thinks that the precepts of natural law define our nature. However, he seems to be ambiguous whether they define our nature as rational beings (as he emphasizes in the passage quoted previously), or if they define our nature as human beings and as beings of animal nature as well.

Like Aquinas, he suggests that humans have various goods that are constituted by the directedness of three aspects of their nature. There are ‘the goods of our physical nature, that is, the goods of preserving our lives and health from dangers that threaten our continuing existence; the goods of our animal nature, including the good of sexuality and the goods to be achieved by educating and caring for our children; and the goods that belong to our nature as rational animals, the goods of knowledge, both of the nature and God, and the goods of a social life informed by the precepts of reason’ (MacIntyre, 2009b: 5 cf. 45–6; 1998: 173–4). The precepts of natural law require the achievement of these goods by humans.

On the other hand, although we need to obey to all these precepts, the status of the precepts which are based on our rationality seems to be different from the ones that belong to our rational nature. The former precepts depend on what our nature is, but we would not have them at all if we were not rational. First of all, we would not have to observe any precepts if we were not the rational creatures that we are. Non-rational animals, like lobsters or dolphins, do not have obligations to follow any precepts that they may or may not observe (cf. *Summa Theologiae* I-II. Q91 a1 ad3). Secondly, we seem to need to observe the precepts that are based on aspects of our nature other than our rationality, once achieving their corresponding goods is something that also contributes to our rationality. If we do not meet them, we may become less rational than we could. For example, not caring for our existence or our children hinders our rationality, though in different degrees. Nevertheless, it is not the case that everything that does not contribute directly and immediately to our rationality should be absent from our lives. MacIntyre argues that play, for instance, should be part of each and everyone's lives as it helps us indirectly in our intellectual endeavors. (Cf. MacIntyre, 2006b: 55–7). Thirdly, there might be perhaps other types of rational creatures besides humans whose nature is somewhat different from ours (e.g., creatures that cannot bear children) and who do not have to observe them.

Rationality is not only metaphysically fundamental compared to the other precepts, which are not directly based on rationality. For the precepts based on rationality seem to enjoy some kind of epistemological superiority as well. Rationality seems to be the judge when it comes to the question of which of our desires are natural or which of them are rational. Some of our desires might seem so widespread or might seem so characteristic of our personality that we would be inclined to think that they are natural. However, we need to check if they are, because they may easily deceive us – they might belong to the very kind of irrational passions that sometimes cloud our judgments and affect our rationality, too. We need to exercise our rationality, and thus, obey the precepts of natural law that are directly based on our rational nature to figure out what other aspects of ourselves ground precepts that we also need to observe unconditionally. This approach, in turn, implies that any action that fundamentally impedes our rationality should be considered wrong.

One reason why one's account of the natural inclinations and goods of humans should be rationally checked is that many philosophers disagree about whether there is anything that we could call our nature¹² or whether our nature and natural goods consist in what Aquinas and MacIntyre think they do (MacIntyre, 2016: 220–31).¹³ The need to conform to the precepts of natural law eminently arises once we need to learn from those who disagree with us. We also need to obey these precepts if we are to conduct meaningful dialogue with those who disagree with us. Therefore, it seems to be a priority to meet what rationality requires in the course of our shared enquiries so that we can settle what are the other needs we should meet, too.

One advantage of the approach sketched here is that it might be able to eschew the so-called naturalistic fallacy. Though MacIntyre is a well-known critique of this alleged gap, his account of natural law could be interpreted in a way that eschews this problem. Since we need to exercise our rationality through correctly identifying what is good, it seems that we cannot but attribute value to

¹² Sartre's existentialism is quite close to this position.

¹³ See also Winch (1970), which discusses MacIntyre's position taken in MacIntyre (1966).

rationality, independently of identifying what the facts concerning our nature are. Thus, the same way MacIntyre conceives truth as a good (MacIntyre, 2006c; 2006c; 2009b: 20), we have to conceive rationality as a good, too. As he writes, ‘we cannot but take the truth to be a good’ (MacIntyre, 2006f: 198 cf. 202; 2006c: 180). In the same way, it seems inevitable that we should take rationality as a good, too, since rationality is what helps us stumble upon the discovery of truths (cf. MacIntyre, 1970: 103–4).

Another advantage of the approach presented here is that it makes clear the way natural law is connected to nature. For it is a common objection against specific theories of natural law (including the theory of John Finnis) that they obscure the role of nature in determining the natural law. Thus, they cannot answer the reasons why the natural law is ‘natural’ in the first place, even though this problem regards only the name of the laws in question, which is not an essential issue. It could be said in favor of the macintyrean reconstruction of natural law that it makes this connection explicit. First of all, natural law is natural because it is based on our nature as rational creatures; it is based on our rationality. Secondly, other aspects of our nature affect it, so that certain norms of natural law depend on aspects of our nature other than rationality, that is, on our nature as physical beings and as animals.

Besides referring to our nature, the ‘natural’ in ‘natural law’ also refers to the way we know its precepts, i.e., naturally. The knowledge of this law belongs to our nature. This idea expresses a similarity to natural theology as well: we can know it with the help of the natural light of reason, without the aid of divine revelation. However, there is some complication to this independence from revelation. Therefore, now the discussion turns to this questioning.

Relationship to religion

MacIntyre appears to be ambiguous when it comes to the question concerning the dependence or independence of natural law from theology or revelation. In some of his works, he sustains his understanding of natural law without any reference to theology. Sometimes he even claims explicitly that his account does not rely on religious doctrines.

For example, he affirms ‘I am committed to holding that practical rationality provides everything that is required for the moral life, independently of any theological ethics’ (MacIntyre, 2009a: 315). However, somewhere else he states ‘I am [...] committed to maintaining [...] the priority of natural law to [...] to divine law as revealed through the Scriptures. [...] knowledge of divine law afforded by revelation presupposes prior knowledge of the precepts of natural law. It is a revealed truth [...] that the truths of natural law can be known prior and independently of any revealed truths’ (MacIntyre, 2009a: 341). This statement adds to the view that, while knowledge of natural law does not depend on revelation, the knowledge and understanding of the content of revelation, in particular, their potential to teach us about the divine commandments, depends clearly on our knowledge of natural law.

However, in other moments of his works, MacIntyre either claims that our knowledge of natural law depends on revelation, or that he relies on the Bible and the doctrines of the Catholic church to elaborate his characterization of natural law. For example, he seems to be agreeing with Pope John Paul II, who expresses in *Fides et Ratio* that ‘human reason needs to be instructed and corrected by th[e] revelation of God’s law’ (MacIntyre, 1994: 178). Also, regarding ethics, MacIntyre states that ‘only a theological account of the virtue of prudence will be adequate’ (MacIntyre, 2009a: 345), and that ‘our moral lives and our philosophical enquiries are bound to be ultimately frustrated unless we can learn what the gospel has to teach’ (MacIntyre, 1994: 194 cf. 190).

A possible way to solve this apparent ambiguity is to show that, while people can know the *basic* precepts of the natural law without the help of revelation or any theological investigations, the *full* account of natural law requires them. First, it could be said that we have a natural knowledge of God, just like we have a fundamental knowledge of the precepts of natural law. It could be argued that the existence of the latter depends on the existence of the former (and the existence of God).

However, we could come to recognize both of these pieces of knowledge without recognizing the other. We may reasonably think that we have the natural knowledge of God while failing to acknowledge natural law, or, the other way around, we may acknowledge the natural law while remaining skeptical about the existence of God. MacIntyre could even say that knowledge of one implies knowledge of the other, but that we could easily fail in recognizing this implication for either. (This view would be close to the idea of ‘anonymous Christianity,’ an idea that MacIntyre hints at when he claims that ‘the person can reveal the faith in God in her life, even if she does not realize herself as a believer.’)¹⁴

Secondly, MacIntyre could claim that even though we can have a good grip of what the precepts of natural law require, we can only have a full, entirely correct or at least superior knowledge of this if we interpret the precepts in question and natural law itself in the light of theism or the gospels in particular. For example, he says (in contrast to John Finnis) that we can only exhibit a ‘perfected obedience’ to natural law if we recognize that we need to be just towards God (MacIntyre, 1988: 188). However, MacIntyre could say that we need to interpret this in the following way: we cannot be *perfectly* obedient to the precepts of natural law if we do not believe in the existence of God. Nevertheless, we could be *sufficiently* obedient to it if we recognized that we need to be just towards God *if* He exists, and that, while remaining self-professed atheists, we pursued a (shared) rational enquiry regarding the existence of God.

The status of revelation in this scenario would be similar to the case of one’s understanding of Aquinas or MacIntyre themselves. One’s knowledge of natural law is elicited and illuminated by engaging with these philosophers, and even if we recognize, before reading their works, that there are precepts of rational enquiry that we should observe, we may be able to develop this recognition by reading the *Summa Theologica* or *Whose Justice? Which Rationality?* (Cf. MacIntyre, 2006b: 59) Reading the Bible could shed light on what natural law is in the same way. MacIntyre would probably claim a special status for the gospels in augmenting our knowledge of natural law – and he could argue that the Bible offers insights about natural law that we could not learn anywhere else or would be extremely hard to learn without the aid of the revealed truths contained in the Bible.

Claiming that our knowledge of God and natural law are (implicitly and metaphysically) connected but could be recognized (explicitly and epistemically) independently from each other is compatible with saying that the Bible (or perhaps other sources of revealed truths) can have a *special status* in teaching us about *the fullness* of natural law. These two points complement each other; they respond to different concerns, and they appear to constitute a sufficient response to the question regarding the relationship between natural law and religion.

Relationship to Tradition

One of the most critical parts of MacIntyre’s philosophy is his interpretation of tradition as ‘an argument extended through time’ (MacIntyre, 1988: 12). MacIntyre argues many times along his works that philosophical positions are results of history, of an ongoing debate that furnishes us who represent one or another of these positions with standards of rationality that have an origin in contingent facts. Nevertheless, these origins of accepting certain authorities provide us with our standards of rationality that could be developed gradually by making them less and less arbitrary.

MacIntyre goes as far as claiming that there is ‘no standing ground, no place for enquiry, no way to engage in the practices of advancing, evaluating, accepting, and rejecting reasoned argument apart from that which is provided by some particular tradition or other.’ (MacIntyre, 1988: 350 cf. 367). In the volume *After MacIntyre*, he explicitly states that he is ‘irremediably anti-Hegelian in rejecting the notion of an absolute standpoint, independent of the particularity of all traditions’ (MacIntyre, 1996:

¹⁴ See Elif Nur Balci: God and Morality: Reconceiving MacIntyre’s Position (manuscript). Cf. MacIntyre, 2009a: 344.

295). This idea seems to mean that there can be no standpoints that transcend traditions and which provide us with transcendental norms to adjudicate between rival traditions.

Even when someone does not recognize this consciously, they still rely on traditional standards in evaluating arguments, texts and even people. Getting rid of all that is provided by tradition would leave us in some kind of a theoretical no-man's-land, without any kind of resources for the argument.

However, when MacIntyre talks about his conception of natural law, he seems to contradict this line of argument based on his concept of tradition. For example, when he talks about some inferences, he says that 'we can arrive at sound conclusions that are as tradition-independent as the primary precepts [of natural law].' (MacIntyre, 2009a: 313). Does this mean that we could know these precepts even if we do not belong to any tradition?

Furthermore, regarding the set of rules and virtues that comprise MacIntyre's account of natural law, he notes that they are 'not unfamiliar. Versions of them have already ascribed authority in several moral cultures. Nevertheless, if we understand them as constituting the ethics of enquiry, we accord them an additional authority that is independent of a moral standpoint' (MacIntyre, 1999: 6). Their authority derives from the fact that without comforting them, we risk that we do not reach the truth. Not by being part of one standpoint or another. This idea suggests that there could be an authority that is, in fact, independent of traditions. In the same vein, MacIntyre acknowledges that we are 'culture-transcending rational animals' (MacIntyre, 1994: 187).

The line of argument that suggests that there are no norms independent of traditions and the claim that there are some which are, in fact, independent of any traditions could perhaps be reconciled in a certain way. MacIntyre argues that the good of truth on which these norms are dependent is a good independently of any *particular* traditions. He adds that, without all traditions, we would be incapable of acknowledging this or aiming at achieving this good. He affirms that 'truth is a good, independently of one's particular moral standpoint, not a good the acknowledgement of which can be independent of all or any standpoints, but a good that is already implicitly acknowledged within the moral practice of any standpoint which in virtue of its claim to truth claims the allegiance of rational individuals.' (MacIntyre, 1999: 4).

There is an important aspect here concerning the way traditions acknowledge these norms. MacIntyre suggests that all traditions claim truth one way or another. Explicitly or only implicitly, they put forward some of their claims or at least some of their presuppositions as true. If they suggest a way to avoid truth-claims in general, their suggestion would have to be *truly* successful in avoiding truth-claims.¹⁵ Thus, even in that case, they would fall back on claiming truth to their position, even if only in a minimal manner. However, this is a self-contradiction, as a precondition of the success of this alternative involves its inevitable failure. So, there seems to be a commitment in every tradition, one way or another, to the truth. If there is such a commitment, it must include means by which the good of truth is to be reached. These, in turn, are the precepts of natural law. Hence, every tradition is committed to acknowledging these precepts. However, as pointed out, this acknowledgement will only be implicit in some or even in most cases.

At this point of the debate, it might be the case that we could go one step beyond MacIntyre and argue that even relative independence from traditions could make one commit to accepting the natural law, at least implicitly. Perhaps this could be said about those who think of themselves as being independent of traditions. MacIntyre argues that many of those who conceive themselves this way are, even without recognizing that, heirs of traditions, maybe several traditions at the same time (MacIntyre, 1988: 397). In virtue of this fact, they are committed to truth and the precepts of natural law just as much as any particular tradition could be. However, even if there could be anyone who is alien to all traditions, as long as they are committed to truth, they would have to accept the precepts of natural law. Even

¹⁵ Cf. MacIntyre's reply to Stephen Stich in MacIntyre, 2006f: 204.

skeptics could not avoid some sort of commitment to truth altogether (MacIntyre, 2006b: 48),¹⁶ being it belief, acceptance, or their claims about things seeming to be true (let alone the traditional commitment of skeptics to search for truth). This approach seems to suggest that the precepts of natural law should be recognized even by those who think of themselves as standing outside of traditions.

Nevertheless, it is the case that certain traditions have more explicit and developed accounts of natural law than others. They express the precepts that we need to observe in order to conduct meaningful and sustainable shared enquiry better. Therefore, the implicit commitment of the other traditions might count in favour of these traditions with more developed accounts. MacIntyre writes ‘when the adherents of some particular moral standpoint find that their claims concerning the truth of their own beliefs have committed them to find a place for [...] an ethics of enquiry within their moral scheme [...], the question is inescapably posed: how well or how badly can that particular set of beliefs and practices accommodate what an ethics of enquiry requires it to accommodate?’ (MacIntyre, 1999: 6). There could be sets of beliefs and practices, that is, standpoints, which explicit content accommodate these precepts only insufficiently or even contradict these precepts themselves. Such standpoints need to be abandoned in this light. Moreover, if there is a standpoint which is better at accommodating standpoints than our present tradition, we have an excellent reason to accept that new tradition to the degree that our current tradition is incompatible with our previous standpoint, so we also have a reason to leave that tradition behind.

Responding to Joseph Ratzinger’s view that ‘although reason can in principle grasp the natural order of the universe and the moral truths that derive from this order, it cannot by itself make those moral truths ‘fully credible or effectively persuasive’’, MacIntyre affirms that ‘once again I have to defend the powers of reason while acknowledging that all rational argument is rooted within and is framed from the perspective of some historical tradition.’ (MacIntyre, 2009a: 333). In the final analysis, it seems that reason is always constituted by some tradition, however, ‘sound practical reasoning invites the assent of every rational agent’ (MacIntyre, 2009a: 334)¹⁷. However, it may fail quite often to ‘elicit the assent of anyone whatsoever’ (MacIntyre, 2009a: 337), because of their misguided manifest beliefs. This idea seems to mean that even if Ratzinger exaggerates the limits of reason in making truths credible and persuasive, we can acknowledge that it is often the case that reason fails at least in achieving the latter goal and providing everyone with reasons that they can appreciate in the light of their more or less consciously recognized standards.

MacIntyre later says that to ‘fail to be persuaded by [the argument that explains what practical rationality requires] is to fail to be open to what reason requires’, and adds ‘that this argument emerges from the life of a particular community or tradition should of itself add nothing to its persuasive force for rational agents (MacIntyre, 2009a: 340). MacIntyre thus acknowledges that the practices of a tradition can help to make it more persuasive. Nevertheless, what exactly is the relationship between practices and natural law? Let us turn to this questioning, now.

Relationship to practices

It is plausible to claim that the most fundamental concept for MacIntyre besides tradition is that of practice (Nicholas, 2012: 85). He calls practice ‘any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized [...], with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.’ (MacIntyre, 1981/2007: 187). Practices are supposed to have standards internal to them, and by internalizing these standards, we also learn how to distance ourselves from our immediate desires. Without learning that, we would not be able to achieve the

¹⁶ See also the passages concerning the good of truth referenced above.

¹⁷ Here, MacIntyre attributes this view to the Thomistic Aristotelian tradition that he follows.

standards of excellence defined by a given practice. MacIntyre, in turn, defines virtues, at least partly, by using his concept of practice: for a habit or a character trait cannot be a virtue unless it can help us in satisfying the standards of excellence and in achieving the goods internal to practices (MacIntyre, 1981/2007: 191). He takes it that everyone's first initiation into virtues and rules that directs us towards our human goods happens through practices and that without such an initiation, our education remains flawed (cf. 2006d, 2006e, 2013).

Based on this, one could perhaps interpret MacIntyre as suggesting that even if traditions could not avoid acknowledging the authority of the precepts of the natural law, at least implicitly, practices could. After all, most practices are not characterized as enquiries – they do not seem to be the kind of things that would be committed to truth-claims that (as explained before) are the reasons why we can say that traditions are committed to natural law. Practices are practical by definition; they are not necessarily theoretical. So, by avoiding theoretical commitments in general, they could be viewed as avoiding truth-claims, too.

Furthermore, in some of his writings, MacIntyre questions if the problems of morality could not be correctly solved theoretically, only at the level of practice. In one of his papers, he explicitly states that it is 'only at the level of practice that we can become Aristotelians' (MacIntyre, 2013: 27). In that essay, it is quite clear that MacIntyre refers to his concept of natural law as well. He introduces arguments in which he establishes the precepts of natural law among the 'aspects of a practice-based understanding of goods, virtues, and rules', (MacIntyre, 2013: 28). Later on, he states that 'it is only through recognition at the level of practice of our need for the virtues, and through practical experience of how the exercise of the virtues stands to achieve of goods, that [...] Aristotle's philosophical arguments become compelling.' (MacIntyre, 2013: 29). In such passages, the conclusion seems to be that 'the recognition of natural law is a matter of how [...] practices are structured' (MacIntyre, 2006b: 63).

It is only our practice, if it is in good order, that can truly make us understand why MacIntyre's blend of Aristotelianism, and within it, the precepts of the natural law, provide us with the adequate account of morality. This approach could suggest, then, that MacIntyre's account of natural law, being a theoretical construct itself, does not solve the moral problems that it might be expected to solve by itself. It does not provide a moral code, it does not secure agreement, and it does not provide a solution that would be useful in general.

The preceding considerations might also suggest one further problem concerning the relationship between practices and natural law. It is that the natural law is only acknowledged within some practices. Then, if certain people do not participate in any practice, they do not even have to observe the precepts of natural law. They will not recognize these precepts as binding at all. Without a correct initiation into practice, the arguments for natural law are inert, and one raised without being correctly introduced to the practice in good order could avoid ways of acknowledging or observing the precepts in question. So, in this light, we could not say that everyone is committed to upholding the precepts of natural law.

However, interpreting MacIntyre this way is problematic, and conceiving the natural law just this way is a mistake. First of all, it is not the case that one could entirely avoid theoretical commitments. As MacIntyre argues, living our individual life this or that way expresses 'usually implicitly and unreflectively, how [...] it is best for us to live' (MacIntyre, 2009b: 13). How we rank order goods in our activities and what we prefer to do sheds light on what we hold about what is worth doing in our situation.¹⁸ This approach, in itself, is an implicit theoretical commitment of ours, implied by our

¹⁸ One could argue that the weakness of the will sometimes stops us from doing what we would like to do, so our actions do not always express our commitments. However, we could not have weakness of the will if we did not have some preferences to which we are committed.

practice.¹⁹ This theoretical commitment, in turn, means that we are committed to some truths.²⁰ Moreover, as we have seen previously²¹, any commitment to truth commits us by the same token to the precepts of natural law. Hence, even those who did not go themselves through a proper initiation into any practices, cannot avoid this commitment altogether by living a practical and not at all reflective life.

The other problem that was raised previously could be summarized roughly by saying that MacIntyre's account of natural law might not secure an agreement and might be useless in practice. However, this worry seems to be misguided. First of all, as explained before, our commitments to truth and our practices commit us to accept at least implicitly the precepts of natural law. This aspect, in turn, suggests that we can at least find an implicit, even if it still is (explicitly) an unacknowledged agreement between all practices concerning the truth of the precepts of natural law.

Furthermore, even though MacIntyre says that it is only practice that makes Aristotelianism or a theory of natural law compelling, he suggests that practice is still not enough. MacIntyre acknowledges that practices of various communities can be at odds with each other, and they may have (implicit or explicit) views of the natural goods of humans (of the sort that was described before in this essay) that are also at variance with each other. Furthermore, every now-and-then these variances are systematic to the degree that they cannot be easily solved. As MacIntyre states 'But when disagreements turn out to be systematic and irresolvable in the context of immediate deliberation, then the identification of their character, let alone any attempt to resolve them, has to involve a resort to a theoretical enquiry. Practice itself now requires us to engage with theory.' (MacIntyre, 2009b: 19) When disagreements of this sort arise, we quite naturally want to know who is in the right position regarding the practical questions at hand. MacIntyre points out that '[p]ractical reason requires of us when we do encounter systematic and irresolvable disagreement with our point of view, that we do not assume that we are in the right [...]. We have initially no grounds for so judging. [...] We need, therefore, to resort to an enquiry as to what the truth about these matters is, in company with those others who hold opposing views.' (MacIntyre, 2009b: 20). In these cases, where resolving the disagreement is difficult and takes a long time, the participants need to scrutinize their arguments, bring their background assumptions to the light and consider the implications of their positions. This process is going to be more and more theoretical and philosophical after a while. Hence 'philosophy itself comes on the scene in the form of an invitation to provide sufficiently good reasons for advancing these claims.' (MacIntyre, 1999: 4).

These reflections also make it clear how the theory of natural law is of practical relevance. Whenever we face disagreement with others, or some tension within our thoughts and desires, or even when we are in some doubt regarding a belief, we need to enquire others to resolve these issues. The theory of natural law is not only one of the contending parties in such disagreements. It is itself a theory of the way to conduct these enquiries. In general, it offers us a theory on how to act. In particular, it offers a theory on how to act in cases of disagreement. Therefore, there is a practical motivation to observe the precepts of natural law, since they are a way for us to sustainably conduct enquiries to resolve disagreements, tensions and doubts that we have.

Conclusion

¹⁹ A possible objection is that, sometimes, we act in a way that we do not think to be the only best way to act in a particular situation. In that case, it could be argued that we are committed to thinking that ours is at least an acceptable act, it is not one that is of negative value – something that we ought not to perform. This idea means that in this case, we are committed to the permissibility or the neutral value of our actions.

²⁰ MacIntyre says that we are this way committed to a view of human nature as well (cf. MacIntyre, 2009b: 13; 1999: 3–4): if we hold that this and this is the best way for us to act in this and this situation, we are also expressing that it would be so for any human being in the same circumstances. (However, this could be captured differently, e.g. by saying that any agent, rather than any human, in the circumstances of such and such a person should do this and this – therefore the commitment does not necessarily concern human nature, but it does concern the rank ordering of goods and norms by agents like us.)

²¹ See previous remarks on skepticism.

The upshot of the preceding enquiry is that the concept of natural law is relatively independent of the rest of MacIntyre's most essential conceptions. Also, if the arguments presented in this essay are correct, we could justify holding the precepts of natural law even if we were admittedly ignorant of the exact characteristics of human nature, revealed religion, traditions of enquiry, and even if we were not adequately initiated into practice in good order. That said, our knowledge of natural law can be elicited and augmented by these resources, and they could correct our explicit beliefs regarding the nature and the precepts of natural law. Some accounts of these notions and some religious or non-religious traditions or practices might obscure the content of natural law to a certain extent, while others could reveal it more adequately. Therefore, our explicit knowledge of natural law could be influenced by these aspects. Hence, it does matter what tradition and religion we adhere to, what practices we have and what our account of human nature is.

Nevertheless, even if we have misguided accounts, traditions and practices, we may still have a mostly correct manifest belief regarding natural law, and in any case, we have implicit knowledge of its precepts. However, there might be a metaphysical and theological ground of the precepts of natural law. Therefore, learning about these precepts would aid our imperfect and many times only implicit knowledge of natural law. Furthermore, some traditions and practices might help in making the arguments for natural law more compelling. As some traditions and practices might even help in overcoming one's professed ignorance regarding natural law, it is essential to learn from the resources that other traditions might have – and this learning process should be guided by the shared enquiry which norms are the precepts of natural law.

References

MacIntyre, A. (1966). *A Short History of Ethics*. Simon & Schuster. New York.

MacIntyre, A. (1970). *Herbert Marcuse. An Exposition and a Polemic*. Viking Press. New York.

MacIntyre, A. (1981/2007). *After Virtue. A Study in Moral Theory*. (3rd ed). University of Notre Dame Press. Notre Dame.

MacIntyre, A. (1994). "How Can We Learn What Veritatis Splendor Has to Teach?" *The Thomist*. 58(2). 171–195.

MacIntyre, A. (1996). "A Partial Response to My Critics. In J. Horton & Mendus, Susan (Eds.). *After MacIntyre: Critical perspectives on the work of Alasdair MacIntyre*. (pp. 283–304). Polity Press. Cambridge.

MacIntyre, A. (1999). Moral Pluralism Without Moral Relativism. In Brinkmann, Klaus (Ed.). *The proceedings of the Twentieth World Congress of Philosophy*. (pp. 1–8). Philosophy Documentation Center, Bowling Green State University. Bowling Green.

MacIntyre, A. (2006a). *Ethics and Politics. Selected Essays. Vol. 2*. University of Notre Dame Press. Notre Dame.

MacIntyre, A. (2006b). "Natural Law as Subversive: The Case of Aquinas". In *Ethics and Politics. Selected Essays. Vol. 2*. (pp. 41–63). University of Notre Dame Press. Notre Dame.

MacIntyre, A. (2006c). "Philosophy Recalled to its Tasks: A Thomistic Reading of Fides et Ratio". In *The Tasks of Philosophy: Selected Essays. Vol. 1* (pp. 179–196).

MacIntyre, A. (2006d). "Rival Aristotles: Aristotle Against Some Modern Aristotelians". In *Ethics and Politics. Selected Essays. Vol. 2*. (pp. 22–40). University of Notre Dame Press. Notre Dame.

- MacIntyre, A. (2006e). "Rival Aristotles: Aristotle Against Some Renaissance Aristotelians". In *Ethics and Politics. Selected Essays. Vol. 2.* (pp. 3–21). University of Notre Dame Press. Notre Dame.
- MacIntyre, A. (2006f). "Truth as a Good: A Reflection" In *Fides et Ratio. In The Tasks of Philosophy: Selected Essays. Vol. 1.* (pp. 197–215).
- MacIntyre, A. (2006g). "Truthfulness and Lies: What Can We Learn from Kant?" In *Ethics and Politics. Selected Essays. Vol. 2.* (pp. 122–142). University of Notre Dame Press. Notre Dame.
- MacIntyre, A. (2006h). "Truthfulness and Lies: What is the Problem and What Can We Learn from Mill?" In *Ethics and Politics. Selected Essays. Vol. 2.* (pp. 101–121). University of Notre Dame Press. Notre Dame.
- MacIntyre, A. (2009a). "From Answers to Questions. A Response to the Responses". In L. S. Cunningham. (Ed.), *Intractable Disputes about the Natural Law. Alasdair MacIntyre and Critics.* (pp. 313–351). University of Notre Dame Press. Notre Dame.
- MacIntyre, A. (2009b). "Intractable Moral Disagreements". In L. S. Cunningham (Ed.), *Intractable Disputes about the Natural Law. Alasdair MacIntyre and Critics.* (pp. 1–52). University of Notre Dame Press. Notre Dame.
- MacIntyre, A. (2016). *Ethics in the Conflicts of Modernity. An Essay on Desire, Practical Reasoning, and Narrative.* Cambridge University Press. Cambridge.
- MacIntyre, A. (1988). *Whose Justice? Which Rationality?* University of Notre Dame Press. Notre Dame.
- MacIntyre, A. (2013). "On Having Survived the Academic Moral Philosophy". In F. O'Rourke (Ed.), *What happened in and to moral philosophy in the twentieth century? Philosophical essays in honor of Alasdair MacIntyre* (pp. 17–34). University of Notre Dame Press. Notre Dame.
- Nicholas, J. (2012). *Reason, Tradition, and the Good. MacIntyre's Tradition-Constituted Reason and Frankfurt School Critical Theory.* University of Notre Dame Press. Notre Dame.
- Winch, P. (1970). Human Nature. *Royal Institute of Philosophy Supplement.* 4. 1–13.