Training for Legislators:
The Fundamentals of Natural Law and Human Dignity

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A Brief Intellectual History of Natural Law

- Classical Origins: *Nomos* versus *Physis* ⇒ “Man is by nature a political animal”
  - Virtue and Happiness
  - Natural Right
- Thomistic Natural Law
  - Reason and Revelation
  - State and Church
- Hobbesian/Lockean Natural Rights
  - The Priority of Natural Rights to Natural Law
  - The Right of Property
- The American Tradition
  - The Declaration and the Revolution
  - Slavery and Abolition
  - Economic Liberty (and “Natural Law Due Process”)
- The Rejection of Natural Law
  - Historicism
  - Autonomy Liberalism
Thomistic Natural Law

• Definition of Law:
  o Precept of practical reason
  o For the common good
  o Made by the people or one who has care of the people
  o Promulgated

• Kinds of Law:
  o Eternal Law (God’s Providence)
  o Natural Law (Human Reason and Natural Inclinations)
    ▪ Self-preservation
    ▪ Sex & Education of offspring  
    ▪ Know God & Live in Society
  o Human Law (Positive Law)
    ▪ Deduction
    ▪ Determination
  o Divine Law (Ten Commandments & Gospel)
Thomistic Natural Law and Human Law

• Effect of Human Law: To make men good

• Human Law cannot repress all vices, but should prescribe acts of all virtues

• Human Law binds men in conscience
  o but an unjust law is not a law
  o but cannot be always disobeyed

• Human Law can be changed (but not too readily)
  o when reason advances
  o when conditions change

• Custom can obtain the force of law
The American Constitutional Order as Thomistic Human Law

Diagram:
- **PEOPLE**
  - **U.S. CONSTITUTION**
    - Congress/Statutes
    - President/Exec. Order
    - Courts/Precedents
  - **STATE CONSTITUTIONS**
  - **COMMON LAW**
Natural Law Issues in American Society Today

• Rights of the Person: Life, Liberty, Integrity, Dignity

• The Law of the Family

• Property rights and the General Welfare

• Solidarity & Subsidiarity: Powers and Limits of the State

• Religious Liberty & the Freedom of the Church