

The core concepts of natural law theory

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Introduction

Natural law is a term that can be interpreted into several meanings but the most common meaning that is referred to by most of the researchers is moral theory. The kind of moral theory comes under the legal term but both legal and moral theories are independent.

The legal term was derived later but first natural law was considered only in the behavior of humans and the moral theory is derived from scientific description. The natural theory can be described as the standards of morality associated with human behavior and the nature of the world. Even though legal and natural are different, the researchers now intersect the concept and named it natural law legal theory. It is a theory in which moral standards are set by the legal system which should be considered in the light of moral merits. Several different kinds of natural law theories describe the different moral standards according to their standards.

Discussion

Before perusing natural law theory, it is important to understand the law and what shaped it. The generic sense is created through rules and actions according to those rules, which helps control the authority and bind society by legal force. Standardized law will impose sanctions and consequences if any line is crossed that contradicts this law.

The natural law theory has two kinds, which have the same name: natural law. The first kind refers to morality, which means interpreting moral standards that connect with moral norms and objectivity. The second kind refers to the nature of the world and the nature of the world. Human beings are rational beings created in such a way that their behavior and acts emphasize moral values. The second kind of natural theory describes the morals already entailed in humans. The natural theory of both mentioned kinds contains differences; in the first, there is a notion of law that influences it, and in the second, morality influences it. Both kinds intersect and overlap at some point but not completely same are the same because the nature of a human being can vary from one to another and the law defines a specific set of morals that can't be changed nor be replaced (Marske, 5).

The theorists from the early times argued that even the overlap cannot exist in both kinds because they are logically independent on the basis of nature. The one based on the notion of nature can be influenced through different behaviors and legally defined theory stays the same for everyone. Later, the natural theory was defined, and the standard description of what should be the basis of this theory was gained. Moral theory should be maintained on the basis of morality and ethics, as morals

come from behaviors and ethics defined by the law. The natural law theory is based on the question of figuring out what is correct. Correctness is discovered for the reasons in the nature of humans. It helps identify the difference between good and evil. For these reasons, the law was created. The natural theory can be described as the standards of morality associated with human behavior and the nature of the world. Even though legal and natural are different, the researchers now intersect the concept and named it natural law legal theory.

The history of natural law theory comes from the famous philosophers Plato and Aristotle, both of whom emphasized the same thing. Nature is physics, and the law is described as custom or norm. The law derived from the custom depends on the culture of every area but the nature of humans which is the base of this law remains constant. Both philosophers argued that making the basis of this law by nature helps set the standards, even when customs change. The law was developed in the Hellenistic school of philosophy with the Stoics. In this school of philosophy. The stoics dived the presence of an order of this universe based on purpose and rationality. The order influences the living style of any rational being according to the cosmic order called natural law. The difference between Aristotle's theory and the school is the divine authority. Aristotle believed that this moral sense is given by the divine, but the school of philosophy was indifferent to any divine presence. Religion of every kind is one of the

Despite the fact that morality exists in the rational being, the need for the law that the government implements is needed. The things that humans desire and can't get can influence morality. When they see the things they want in others' lives, they commit acts that contradict their natural moral behavior. The government made this a law to maintain harmony in people's lives. The word natural still stays in this law because it provides the reasons and proves its nature. This law maintains rationality by using natural force. Several examples can help us understand the contradictions between natural force and law. The example of Adolf Hitler in Germany. The killing of innocent people which according to him was a moral act and the state law never resisted and stopped him. Standard law was required at that time to identify that the natural law based on morality sometimes needed to be enforced in places where the sense of natural morality was lost (Kindregan, 11).

Conclusions

In the end, it all depends on the government, culture, and time, which influences the rule of any law. Overall, rational human beings derive such laws according to their own nature to bring reforms and justice in society. Moral theory should be maintained on the basis of morality and ethics, as morals come from behaviors and ethics defined by the law. The natural law theory is based on the question of figuring out what is correct. From the Roman and Greek times till now, the laws were created by the human conscience to standardize moral values. The natural law theory was strongly on the basis of the moral values that are already in humans given by the notion of nature. Aristotle and the school of philosophy agreed on one thing: morality, which even existed should be created in the form of law to standardize morality so that it can be implemented and followed to keep harmony. The word

natural still stays in this law because it provides the reasons and proves its nature. This law maintains rationality by using natural force.

Works Cited

Marske, Charles E., Charles P. Kofron, and Steven Vago. "The Significance of Natural Law in Contemporary Legal Thought." *The Catholic Lawyer* 24.1 (2017): 5.

Kindregan, Charles P. "Natural Law Theory and the Declaration on Religious Freedom of the Second Vatican Council." *The Catholic Lawyer* 16.1 (2017): 6.