

The important philosophical question raised by doctrines of natural law is not whether “natural law” is a defensible concept, but whether moral claims can be rationally defended and, in that sense, “justified.” To talk of “natural law” is one way to explain how moral claims can be rationally defended (as distinct from being “simply presumed or chosen”). But to explain how moral claims are rationally defensible in no way requires one to talk only, or even primarily, in terms of “natural law.”

This may also be expressed by saying that talk of “natural law” is a way of explaining why one does not accept “the deeper kind of relativity” insisted on by moral relativists. According to such relativists, “the most basic standards of right and wrong—like when it is and is not right to kill, or what sacrifices you’re required to make for others—depend entirely on what standards are generally accepted in the society in which you live.” But this deeper relativistic view is hard to accept, as Nagel puts it, “mainly because it always seems possible to criticize the accepted standards of your own society and say that they are morally mistaken. But if you do that, you must be appealing to some more objective standard, an idea of what is *really* right and wrong, as opposed to what most people think. It is hard to say what this is, but it is an idea most of us understand, unless we are slavish followers of what the community says” (*What Does It All Mean?:* 72 f.). Clearly, talk of “natural law” is simply one way of trying to explain and formulate this “more objective standard,” or “idea of what is *really* right and wrong.”

Also pertinent here is Nagel’s analysis of what it means to say that doing something is wrong, and of what, if anything, makes it true to say this. “To say it’s wrong is not just to say it’s against the rules. There can be bad rules which prohibit what isn’t wrong—like a law against criticizing the government. A rule can also be bad because it requires something that *is* wrong—like a law that requires racial segregation in hotels and restaurants. The ideas of wrong and right are different from the ideas of what is and is not against the rules. Otherwise they couldn’t be used [as it seems they always can be] in the evaluation of rules as well as of actions” (59 f.).

Perhaps the most serious objection to talk about “natural law” is that it encourages the misunderstanding that being moral in the sense of doing what is right and not doing what is wrong *is* a matter of following the law, i.e., the rules, or acting contrary thereto.

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