



1-1-1970

Beyond Human Nature: The Contemporary Debate over Moral Natural Law Louis C. Midgley

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Recommended Citation

Germino, Dante (1970) "*Beyond Human Nature: The Contemporary Debate over Moral Natural Law* Louis C. Midgley," *BYU Studies Quarterly*. Vol. 10 : Iss. 1 , Article 14.

Available at: <https://scholarsarchive.byu.edu/byusq/vol10/iss1/14>

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Book Reviews

LOUIS C. MIDGLEY. *Beyond Human Nature: The Contemporary Debate over Moral Natural Law*. Provo, Utah: Brigham Young University Press, 1968. 132 pp. \$1.50.

(Reviewed by Dante Germino, professor of political philosophy at the Woodrow Wilson Department of Government and Foreign Affairs at the University of Virginia. He is author of *The Italian Fascist Party in Power: A Study in Totalitarian Rule* (1959), *Beyond Ideology; The Revival of Political Theory* (1967); coauthor of *The Government and Politics of Contemporary Italy* (1968); and has written numerous articles in the field.)

Professor Midgley's monograph is a carefully reasoned and informative account of the status of natural law thinking in recent Christian theology. As such, it will be of interest to theologians, political theorists, and philosophers. The present reviewer, in an article published in the *Journal of Politics* a decade ago, found much that was rich and suggestive for political theory in the work of such distinguished and creative theologians of our time as Karl Barth, Emil Brunner, and Reinhold Niebuhr, as well as in the writings of various Anglican and Roman Catholic adherents of natural law. Mr. Midgley discusses this literature with thoroughness and perceptiveness and, in addition to taking into account material that has been published in the intervening ten years, also deals extensively with Paul Tillich's political thought, a topic which this reviewer had purposely omitted. Indeed, the chapter on Tillich and the frequent allusions to him in other parts of the monograph are particularly suggestive and constitute the best part of the book.

It would be an understatement, to say the least, to observe that Mr. Midgley is not a natural law man. As the "Afterword" makes clear, he wishes to see a radical break in today's theology with the "essentialist" or natural law tradition. What is now required, he argues, is a revival and creative continuation of the "voluntarist, nominalist tradition." One of the ad-

vantages of the author's approach is that his radical rejection of natural law enables him to point to affinities in the thinking of Barth, Brunner, Niebuhr, and Tillich—and between all of these men and Catholic thought—that are often overlooked by commentators more interested in exploring the grounds of their disagreements with one another. In the process, Professor Midgley has provided us with the outlines of a creative reinterpretation of the political thought of Barth and Tillich in particular. I think that he is basically correct in describing their theologies as essentialist at their core.

The author also places in bold relief some of the difficulties with which those who seek to continue the natural law tradition in some form have to deal. He is correct to argue that some exaggerated claims have been made about the effect of the abandonment of natural law thinking, particularly in Germany, on the rise of totalitarianism. A stronger case could be made, after the manner of Camus in *The Rebel* that the overthrow of the concept of "limit," while it did not "cause" totalitarianism—merely to list the possible causes would result in my exceeding the space limitations of this review by far—did contribute to a weakened capacity for intellectual and spiritual resistance to totalitarianism in the general political culture of the west. However, the author defines "essentialism" so broadly that he would surely end by also rejecting the attempts of writers such as Camus and Voegelin (with whom he does not deal) to go back to the Greek experience of order and begin afresh to articulate a noetic interpretation of man's experience of order in history. The author makes much of the difficulties of "operationalizing" any natural law norms and shows how the ambiguity of such norms led even to the justification of Nazism in terms of natural law by certain spokesmen of the so-called "German Christians." Here he certainly puts his finger on the need of writers in the essentialist tradition to make explicit the relationship between the pre-intellectual commitment of the philosopher or theologian to the humanity of man. Without such a pre-intellectual commitment to the worth of man as person and his—yes—"essential" equality with respect to other persons, the work of the reason will inevitably be vitiated. Eric Voegelin has perhaps already done a good deal along these lines in some of his recent essays in *Anamnesis*. Stress on the crucial importance of pre-intellectual qualities which give an orientation to the work of the reason will also

help to show that the demand for the "operationalizing" of natural law rests on a misconception of man's experience of order. Man must act and be responsible for his actions in specific empirical situations. Natural law—or, better, the "right by nature"—cannot serve as a set of detailed instructions for the *a priori* guidance of action. On the other hand, although reasoned awareness of the right by nature cannot really tell us what to do in a given concrete situation, it can tell us that there are ultimate boundaries to human action, that there are some acts and decisions which are never permissible because they fundamentally violate human dignity. Such a view would presumably be objected to by the author on a number of grounds, one of them being that it comprises the sovereignty of God who is thereby made subordinate to "nature" or "Being." But, we might ask, what effect does the rejection of any concept of an objective limit to human action have on the sovereignty of God and on his relation to men? How can we continue to speak of "man" at all? What exactly lies "beyond human nature"? The superman?

I am sure that the author would reject any such attempt at *reductio ad absurdum*—or rather *ad Nietzscheum*. I do not get any sense from his monograph that his position is at all congenial to that of Nietzsche, who proclaimed, after all, the "death of God." And yet it does appear to me that he needs to spell out much more fully than he has done the implications of his alternative position. Unfortunately—and this is the principal defect of his study—he only addresses himself to the question of elaborating a political theory on "nominalist" grounds, a political theory that looks "beyond human nature for an understanding of man and a basis for value commitments"—in the last four pages of the book. This leaves his work—especially given his choice of main title—an unfinished symphony.