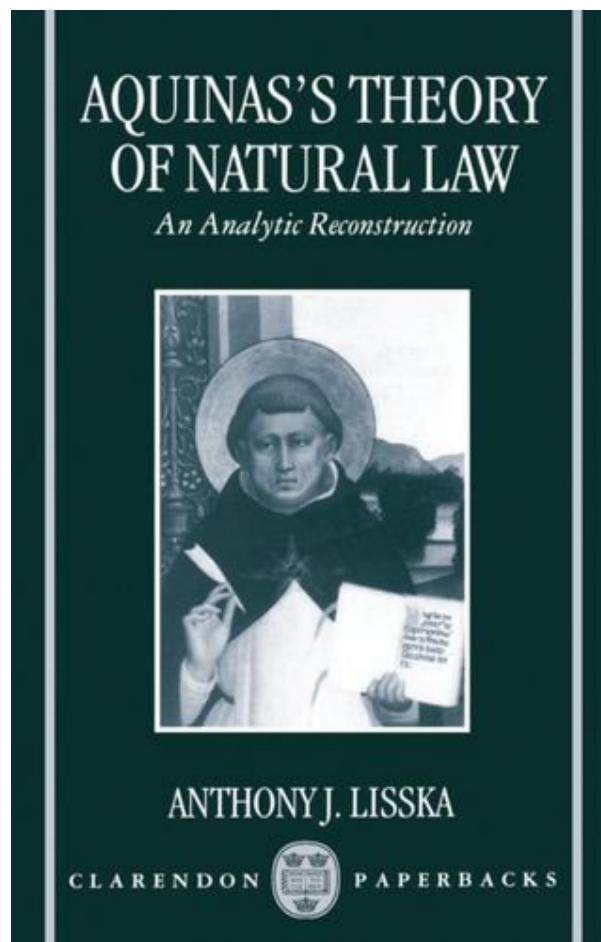


**AQUINAS'S THEORY OF NATURAL LAW:
AN ANALYTIC RECONSTRUCTION BY
ANTHONY J. LISSKA**



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AQUINAS'S THEORY OF NATURAL LAW

An Analytic Reconstruction



ANTHONY J. LISSKA

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Review

"Philosophical controversies over natural law have immediate relevance to conflicts of everyday life ... not the least valuable feature of Anthony J. Lisska's lively and illuminating discussion is his catalogue of positions taken by participants in those controversies ... there are a number of stimulating discussions that deserve independent treatment, notably that of human rights. Lisska's elegant prose-style and clarity of exposition combine to make his book a pleasure to read. It deserves a wider audience than do most academic books."--Alasdair MacIntyre, Duke University, *International Philosophical Quarterly* Vol. XXXVII, No. 1 Issue No. 145 (March 1997)

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This new critique of Aquinas's theory of natural law presents an incisive, new analysis of the central themes and relevant texts in the *Summa Theologiae* which became the classical canon for natural law. Professor Lisska discusses Aquinas's view of ethical naturalism within the context of the contemporary revival and recovery of Aristotelian ethics, arguing that Aquinas is fundamentally Aristotelian in the foundations of his moral theory. The book looks at the historical development of natural law themes in the twentieth century, and in particular demonstrates the important connections between Aquinas and contemporary legal philosophers. The book should be of considerable interest to scholars of jurisprudence as well as philosophers.

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Anthony J. Lisska is at Denison University, Ohio.

Most helpful customer reviews

24 of 24 people found the following review helpful.

beg to disagree

By Lance B. Richey

I really feel obliged to disagree with the panning review given above. I am a professional philosopher myself, and while I ultimately would reject natural law theory as a basis for ethics, for many of the problems with it which Lisska identifies and vainly struggles to overcome in his book, I was very impressed by the

book itself. I think Lisska situates contemporary natural theory within the various debates over law and ethics over the last century, identifies the key "metaphysical" problem with the theory, namely, its reliance upon the concept of all humans sharing a common nature or essence, and puts forward a reasonable and hardly extravagant functional alternative to Aristotelian essences as a possible basis for further natural law theorizing.

No, I was not ultimately convinced by the book, but I was very impressed with its clarity and its sophistication. Unlike the other review, this is one of the few books on Aquinas which I would not part with. Someone with an interest in what makes Aquinas a perennially interesting philosopher should buy the other reviewer's copy--I already own one or I would!

1 of 1 people found the following review helpful.

He spends at least the better part of two chapters on it

By Thomas

I'm a legal scholar preparing to write a book on contract theory from a realist perspective, inspired by Gordley's work on the "philosophical origins of modern contract doctrine." I had not been able to find anything that introduced in a sophisticated way the metaethics of Aquinas and Aristotle on natural law. I finally found this book, exactly what I was looking for. Lisska is almost too careful and it makes the book somewhat plodding, but he makes up for it with the clarity of his style. I hardly know what to say to the critic below who claims Lisska simply falls prey to the naturalistic fallacy. He spends at least the better part of two chapters on it. I wished he had spent less time on it and more time on Kripke and Nelson and their respective metaphysics. I'm giving this book 5 stars instead of 4 because it is the only book I could find on its essential (a little pun there) topic after much searching.

9 of 35 people found the following review helpful.

Unacceptable on Every Level

By D. S. Heersink

The first, fifty-five pages are given over to ubiquitous promises the author intends to make good in the last two-hundred-and-fifty pages, and doesn't. These promises allude to precursors of natural law in its many variegated forms, some of which are not really "natural law" principles at all. Most of the discussion is about how some contemporary Thomists and neo-Thomists have approached the issue, but the reader cannot follow the subtle nuances of this discussion without knowing the meaning of natural law at the outset. The exposition of a reconsidered natural law follows this meandering, often uninteresting, introduction. In another confusion, the author discusses the impact of Moore's naturalistic fallacy on natural law before he describes what Aquinas' "natural law" is. So, over a hundred pages are heuristically inverted, leaving the reader to ponder future promises and anticipate an argument before he knows even the meanings of the terms of the argument drawn. If I did not already possess knowledge of Aquinas' natural law theory, these pages would have been meaningless; as it is, I found the points they may have been trying to make arcane, discursive, and near solipsistic.

Lisska insists upon ten fundamental principles necessary to serve the function of adopting Aquinas' natural law theory. Four of these principles require we accept "essences," a medieval concept wholly foreign in modern philosophy. A fifth principle requires "truth" as a correspondence theory between mind and things (see, Searle, "Construction of Social Reality" for why this is no longer so). The other principles insist that (6) metaphysics of morals is possible, (7) that reason takes precedence over the affective will, &c. In other words, one has to adopt the medieval, which is to say the Aristotelean, metaphysical schema in order for a "modern reconstruction" of Aquinas' natural law to succeed. Lisska writes, "In Aquinas's ontology, the dispositional paradigm holds only for temporal essences" (87), and again, "Divine commands must be in accord with the rational demands of the eternal law" (ibid), but it is precisely those very preconditions that makes Aquinas' natural law inimical to contemporary philosophy in the first place. I don't "see" what Lisska means by an "analytical reconstruction." His writing is the most circumlocutious writing on Thomistic natural law as one can find; it would be better to assimilate it from the source: "Summa Theologica," I-II, q.

90-97, esp. q. 94.

Finally, by page 107, we attain Lisska's definition of the natural law: "Because the end itself determines the well-functioning of the human person. The disposition has, as a part of its very nature, a tendency towards a specific end. This end, when realized, contributes to the well-being of the individual. This is the crux of natural law theory. Nature has `determined', as it were, the ends which lead to the well-being of the individuals of the natural kind." From this nexus, the rest is downhill, as Lisska then evaluates how different scholastic and neo-scholastic philosophers of this past century have adapted this explication into their working-definitions. It's a tremendous bore, not at all enlightening, and of relative useless speculation on its applicability today. If it weren't for Robert George's excellent work in the field, I would have tossed natural law theory out the window. The book is that bad.

I routinely buy from Oxford University Press based on their unparalleled quality of authors and editors. How this travesty passed its high editorial standards is deeply puzzling. I have highlighted only some of my disappointments with this book, but overall it is one of the worst books I've read in the field of theology, philosophy, or anthropology. My copy is for sale.

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