

Book Review: “Natural Law and Modern Society” by Sean Coyle

<https://doi.org/10.22151/politikon.60.R1>

Gavin FAULKNER

University of Glasgow

gavin.faulkner@glasgow.ac.uk

Natural Law and Modern Society

By SEAN COYLE

Oxford University Press, 2023

496 pp., £110 (hardcover)

ISBN 9780192886996

If the aim of Sean Coyle in *Natural Law and Modern Society* was to “think through a set of problems, in a way that broadly conforms to the natural law philosophy of St. Thomas Aquinas” (Coyle 2023, vii), he has certainly fulfilled his aim. There is much here that displays the acquaintance of the author with the canons of Thomism. There is much here too that recovers the long “obscured” and “derided” (viii) framework of moral and political thought which characterises medieval philosophy. Yet Coyle is not content simply to navigate the intersection between medieval and modern thought. His intention is rather more ambitious. He sees the present age as “ripe” for a “third scholastic period,” with his work “a very modest contribution to that end” (ix). Whether this is the time for that third period is a question which awaits a formal response. As far as this review is concerned, it suggests that, whilst a great deal has been done to clear the land for a new period of scholasticism, with not a little planting by Coyle, much of the watering is left to be done if there is to be a significant increase in this field of jurisprudence (1 Corinthians 3.7, KJV.)

This would begin with a closer study of the “new version of an ancient tradition of natural law thinking” (34) which Coyle so ably brings to our attention. That new version rightly places “God’s rational governance of the world” (34) at the heart of a true theory of the natural law. It is a refreshing return to a scholastic view which sees the eternal law as the only source of explanation for the reasonable demands of the natural law. Yet of the chapters devoted to the relationship between eternal and natural law, promisingly entitled *The Culmination of Natural Law* (205-232), Coyle offers too much by way of summary. The chapter opens with a candid statement on the limitation of practical reason (206). Any such statement is to be welcomed if scholastic thought is to move away from the trend among legal

philosophers to imbue practical reason with an autonomy it does not and cannot enjoy (for example, Finnis 2011). Practical reasoning is instead wedded to its speculative counterpart. And yet it is precisely the latter that does not receive as thoroughgoing a treatment as it could have done. Several arguments are raised to establish the existence of God (208–224). A sense of indebtedness is acknowledged to Thomas Aquinas and Francisco Suárez, and their contemporaries (208). But in truth, the discussion does not go much beyond these theorists. Each argument both begins and ends with a supposition that invariably favours “God in the Judeo-Christian tradition,” whose attributes are to be derived from bare philosophical reasoning (208–224; see especially 211). Yet, there appears to be a shortfall in reason here. The shortfall is felt most keenly when it would be expected to be made up most generously, in a sub-chapter entitled *Natural Law, Eternal Law, and Divine Law* (231). Rather than clearly outlining the precise relationship between eternal, divine, and natural law—and explicitly grounding natural law ethics in God’s rational governance of the world—Coyle only hints at the value of theological virtues before turning to a tangential debate between Jonathan Crowe and John Finnis (231–232). While this is necessary, it is not sufficient for theorists aiming to engage with that third scholastic period alongside Coyle. More effort is needed to integrate practical and speculative reasoning than is suggested here (232, 63–67).

That said, when the analysis focuses on the purely practical rather than the speculative, Coyle effectively articulates the practical standpoint underlying a true theory of law (17). This, indeed, is the central proposition of the book: that “law is (necessarily) a system of practical rationality aimed at the common good” (23). He substantiates this claim by examining methodological inconsistencies among leading jurists (3–34). Whether it is H. L. A. Hart, for failing to articulate the practical viewpoint behind his primary and secondary rules (15); Mark Murphy, for unduly narrowing natural law theory to the question of obedience (24); Jonathan Crowe, for misrepresenting natural law as socially embodied, historically extended, and mutable (26); or Jean Porter and Alasdair MacIntyre, for their unnecessary antagonism toward universal values (28–33), Coyle redirects natural law theory away from modern distractions and toward a eudaemonist philosophy grounded in universal human goods (18, 75–102). What follows is a thorough development of that philosophy as it relates to basic goods (75–102), justice (103–136), common goods (137–170), rights (171–204), authority (235–264), obligation (265–304), legality (305–352), unjust law(s) (351–384), and international law (385–418). Of particular note is Coyle’s decision to refocus natural law theorising by refusing to catalogue human goods (54, 78–79), his reinstatement of the *beatitudo* to unify moral thought (83), his identification of a core and general morality to

counter modern relativism (89–99), and his return to teleology in ethics, challenging the freewheeling “self-evidence” approach of Germain Grisez and Finnis (100).

But that is not all. Equally significant is his taxonomy of justice and articulation of the common good to distinguish a state acting intra and ultra vires (109–126, 141, 152–155, 157–158), his reemphasis on charity as foundational for a truly common good (158–162), his distinction between human and natural rights in opposition to Finnis (186, 188), and his nuanced approach to authority and personal autonomy (242–245). All of these contributions represent meaningful steps forward in natural law theorising.

Some will not wish to take every step with Coyle, however. Disagreement is inevitable, particularly regarding his decision to temper the role of social coordination as the defining criterion of true authority (240, 313). This is likely to receive a cold response from Finnis, for whom authority’s focal meaning is precisely its ability to coordinate affairs for the common good. Conversely, it may find a warmer reception from Murphy, who never regarded coordination as the sole criterion of authority. Likewise, Coyle’s nuanced theory of obligation (265–304) is likely to provoke debate. Here, he introduces the idea of “commitment” as the organizing principle behind human obligations (265–288). Whether this constitutes a necessary contribution remains uncertain, but Coyle is at least to be commended for opening the discussion. What can be said with certainty is that the book offers plenty to whet the jurisprudential appetite—a hallmark of the work as a whole. Yet, it does far more than that. *Natural Law and Modern Society* is a tour de force in natural law theorising and establishes Coyle as one of the leading figures in its ongoing development. It “clears the land” and “plants the seeds.” With further study, it may well usher in a new period of scholasticism within this field of jurisprudence.

References

Finnis, John. 2011. *Natural Law and Natural Rights*. Oxford University Press, 2011