

PHIL 600: SCHOLASTIC DEVELOPMENT OF NATURAL LAW

COURSE DESCRIPTION

Natural law theories are a prominent—albeit often wildly mischaracterised—legacy of scholastic reflection in moral philosophy. Thomas Aquinas is usually so identified with natural law that it has been suggested that the referent of the term just is whatever he said. For better or worse, however, later philosophers offered divergent accounts of natural law, accounts that are usually developed in much greater detail than Aquinas's own rather brief account. So while we will start by looking at Aquinas's account, we will spend much of our time examining John Duns Scotus's alternative account and then at two rival, putatively Thomistic accounts from the early modern scholastic revival in the Iberian peninsula, namely, those of Francisco Suárez and Gabriel Vasquez. One question in particular that will run throughout the course is the relationship between these natural law theories and Aristotelian eudaemonism. The ability to read Latin is not a prerequisite for this course.

READINGS

The following texts are required for this course:

- Thomas Aquinas. *Treatise on Happiness*. Translated by John A. Oesterle. South Bend, Ind.: University of Notre Dame Press, 1983.
- Thomas Aquinas. *Treatise on Law*. Translated by Alfred J. Freddoso. South Bend, Ind.: St. Augustine's Press, 2009.
- John Duns Scotus. *Duns Scotus on the Will and Morality*. Translated by Alan B. Wolter. Washington, D.C.: Catholic University of America Press, 1997.
- Francisco Suárez. *Selections*. Edited by Thomas Pink. (This title is conditional on it being released in time.)

Much of what we will read by Suárez and Vasquez has not been published in translation. I will make these translations of these texts available on the course website as necessary.

I will occasionally recommend secondary literature as well. For the most part, however, we will directly engage the primary texts.

COURSE REQUIREMENTS

Weekly preparation: All seminar participants are expected to have read the assigned readings for the week carefully and critically and to come to seminar prepared to contribute pertinent questions and critical comments on the readings.

Presentation: Each participant is expected to lead the class in discussion of one of the assigned readings for half of one of the seminar meetings.

Short paper: A short paper (5–8 pages) on a topic chosen by the student within the following parameters: Choose a claim made by one of the authors we are reading that strikes you as crazy or implausible. State precisely what the claim is and explain why it sounds implausible. Then try to explain why the author would have made the claim. Pick a claim where this last part of the project is philosophically interesting (explaining why the author made the claim by saying that he did so because he did not want to offend the king may be historically interesting, but it is not philosophically interesting). That is, I want to see justificatory reasons for making the claim. This paper may be completed at any point during the semester.

Term paper: A longer paper (15–25 pages) in two drafts on a topic chosen by the student and approved by me. The first draft is due the 13th week; the final by the end of term.

TENTATIVE SCHEDULE	Date	Readings
	Week 1	Aristotle, <i>Nicomachean Ethics</i> I
	Week 2	Aquinas, <i>Treatise on Happiness</i> , qq. 1–5
	Week 3	Ibid., qq. 8, 12–14, and 19
	Week 4	Aquinas, <i>Treatise on Law</i> , qq. 90–93
	Week 5	Ibid., qq. 94, 95, 100, and 106.1
	Week 6	<i>Duns Scotus on Will and Morality</i> , selection 1, ‘Practical Science’
	Week 7	Ibid., selections 5–8 (i.e., part II), ‘The Will and Its Inclinations’; selection 29, ‘The Sin of Lucifer’
	Week 8	Ibid., selections 9–14 (i.e., part III), ‘Moral Goodness’
	Week 9	Ibid., selections 17–21 (i.e., part V), ‘The Moral Law in General’; <i>Rep. par. II</i> , dist. 22, q. 1
	Week 10	Suárez, <i>De Fine Hominis</i> (henceforth: <i>DFH</i>), disp. I, §§1–6, and disp. II, §4; Vasquez, <i>Commentariorum ac Disputationum in Primam Secundæ S. Thomæ</i> (henceforth: <i>CD</i>), IaIIæ.1, disp. 1–5 (excerpts)
	Week 11	Suárez, <i>DFH</i> , disp. III, §§1–6, and disp. IV, §§1 and 3; Vasquez, <i>CD</i> , IaIIæ.1, disp. 6, and IaIIæ.12, disp. 40
	Week 12	Suárez, <i>De Legibus</i> (henceforth: <i>DL</i>), preface; book I, chapters 1, 3, 4, 5, and 7; Vasquez, <i>CD</i> IaIIæ.90, disp. 150–51, and IaIIæ.95, disp. 156–57
	Week 13	Suárez, <i>DL</i> , book II, chapters 1 and 3–5; Vasquez, <i>CD</i> , IaIIæ.71, disp. 97
	Week 14	Suárez, <i>DL</i> , book II, chapters 6–9
	Week 15	Suárez, <i>DL</i> , book II, chapters 13–16; Vasquez, <i>CD</i> IaIIæ.100, disp. 179