

**THE MORAL BASIS OF LAW**

**BY**

**GERMAIN G. GRISEZ**

**[Reprinted from THE THOMIST, XXXII, 3, July, 1968.]**

## THE MORAL BASIS OF LAW



**T**HE topic of this presentation is the relationship between personal morality and conscience on the one hand, and public morality and law on the other. Personal morality and conscience are taken in the conception common to the Judaeo-Christian tradition—the tradition in which most believing Americans place themselves. Thus the word “faith” and its derivatives refer here to man’s response to God’s self-revelation, a response that can be indicated (though not defined) by assent to certain points: 1) that there is one God, the creator of heaven and earth; 2) that He made man in His own image and that He guides the affairs of mankind; 3) that He covenanted with mankind—with upright Noah, with Abraham, the man of faith, and with the chosen people.

Throughout this exposition I assume that the heritage of these promises still remains the central reality of human life, central even in the world of today. Thus I simply prescind from non-Western religious traditions, without denying their

value. Likewise, I prescind from the humanistic religion that is becoming rather common among those who used to have faith. Once faith is set aside, religious ideas on morality and conscience quickly become indistinguishable from the thoughts of unbelievers; thus we would have to move on a purely philosophic plane if this religious humanism were to be taken into account.

I have set some rather narrow limits for this essay. On the one hand, the specific problems that might arise from examination of the Christian scriptures will not be treated, for I wish to offer this essay as a provisional structure to be modified and developed in various ways by persons sharing according to diverse modalities in the Judaeo-Christian tradition. On the other hand, I am not attempting even in outline the vast synthesis that would be required for an ecumenical theology of morality and law. I do not imagine that my references to scripture are governed by norms that would satisfy *any* group of exegetes, but the references are only intended to suggest and to illustrate possibilities, not to prove anything. Within the common assumption of faith, the argument here is philosophic but with a philosophy itself nurtured under the inspiration of faith.

The public morality and law with which I am concerned here is that of civil society—the federal, state, and local communities. The part of the law relevant for our purpose is the criminal or penal law together with other enactments similar to criminal law in the common function of regulating behavior.

## I.

There is common agreement among men that morality is a demand society makes upon its members and that conscience is an acquired disposition of practical thinking by which society's demands become effective in its members' behavior. But for those who believe, morality is only communicated—and not always perfectly communicated—by the demands of society and the disposition these demands induce in the individual's heart.

Prior to society is the wisdom of God. This prior source of morality is described in the Wisdom of Solomon:

She is a breath of the power of God,  
 pure emanation of the glory of the Almighty;  
 hence nothing impure can find a way into her.  
 She is a reflection of the eternal light,  
 untarnished mirror of God's active power,  
 image of his goodness.  
 Although alone, she can do all;  
 herself unchanging, she makes all things new.

(Wis 7:25-27.)

Thus the force, the reasonableness, the value, and the stability of morality have a source beyond society, and this source is God.

This wisdom is no arbitrary force, imposed upon men and things from without. Rather it is an ordering principle which makes their being and well-being possible; in Proverbs, Wisdom claims for herself the title of firstborn of creatures:

The Lord created me when his purpose first unfolded,  
 before the oldest of his works.

From everlasting I was firmly set,  
 from the beginning, before earth came into being

(Pr 8:22-23.)

When he laid down the foundations of the earth,

I was by his side, a master craftsman,

delighting him day after day,

ever at play in his presence,

at play everywhere in his world,

delighting to be with the sons of men.

(Pr 8:29-31.)

This Wisdom, the firstborn of creatures, underlies not only the fabric of the universe, but also the life of man:

The man who finds me finds life,

he will win favour from the Lord;

but he who does injury to me does hurt to his own soul,

all who hate me are in love with death.

(Pr 8:35-36.)

The way of life and the way of death—these were the alternatives that Moses set forth when he propounded the law of the Lord:

I call heaven and earth to witness against you today:  
 I set before you life or death, blessing or curse.  
 Choose life, then, so that you and your descendants may live,  
 in the love of the Lord your God, obeying his voice, cling-  
 ing to him;  
 for in this your life consists. . . . (Dt 30:19-20.)

If we had time, we could quote and reflect upon many other passages. We would examine one by one the beautiful words of Psalm 19 in which the Lord is celebrated as creator of the heavens and as author of the law, which participates in His attributes of perfection, trustworthiness, rectitude, clarity, purity, truth, and lovability. The decree of the Lord is "wisdom for the simple"; His precepts are "joy for the heart"; His commandment is "light for the eyes"; "his words are sweeter than honey, even than honey that drips from the comb" (Ps 19:7-10). We would comment at length upon the transcendence of God to man both in the evolution of human nature and in the unfolding of human history, taking our point of departure from Psalm 93:

You existed from the first, oh Lord.  
 . . . . .  
 The Lord reigns transcendent in the heights.  
 Your decrees will never alter;  
 holiness will distinguish your house,  
 Oh Lord, for ever and ever. (Pr 93:2-5.)

We would have to examine Psalm 119 with the greatest care, for in it we find not merely a testimony to the law of the Lord in a narrow sense but the most remarkable record of the devotion of the chosen people to the whole of divine revelation. For our purposes we would focus upon a single verse pregnant with meaning:

So, having sought your precepts,  
 I shall walk in all freedom. (Ps 119:45.)

From this meditation we could move on to a consideration of conscience. For those who believe, it cannot be merely the internalization of social demands. Conscience, rather, is the

whispering of the heart which has been formed by the word of the Lord (Ps 19:11-14). The people of God receives from His law a wisdom and understanding by which the Lord is present whenever He is invoked; unbelievers are amazed by it: "No other people is as wise and prudent as this great nation" (Dt 4:6-8).

In discussing conscience we should stress that, since the conscience of the believer is the fruit of instruction by divine law, there cannot possibly be any conflict between the claims of morality and the demands of personal conscience. The rationalizing proposal that conscience might provide a principle by which to evade the principle of the divine law already was considered in Deuteronomy:

Let there be no root among you bearing fruit that is poisonous and bitter. If, after hearing these sanctions, such a man should bless himself in his heart and say, "I may follow the dictates of my own heart and still lack nothing; much water drives away thirst," the Lord will not pardon him. The wrath and the jealousy of the Lord will blaze against such a man; every curse written in this book will fall on him, and the Lord will blot out his name from under heaven. (Dt 29:18-20.)

We would notice that Jeremiah is sometimes perverted to argue that the law of the Lord is to be replaced with a humanitarian morality, centered in an autonomous conscience. We would explain that Jeremiah does communicate the promise of a new covenant, in which the law of the Lord is to be written in the heart (Jer 31:31-34), and he does condemn the merely external observance of religious ritual by those who do not fulfill the deeper requirements of the law, especially fidelity to the one God (Jer 7:1-28). But neither Jeremiah nor the other prophets ever imagined a morality merely human; rather they proposed that the wisdom of God would be communicated more perfectly, by an interior spirit, which would generate a more vital awareness and a more vibrant love of God.

If personal morality and conscience are understood in this way, how shall we conceive the law? The common conception is that law represents that part of morality concerning

which there is community consensus together with agreement that common utility requires a formulation of this consensus and its enforcement by specified sanctions. However, for us who believe, this common conception of the law is no more acceptable than the common conception of morality.

Not *any* community consensus is adequate to ground just laws, for law, like morality, depends upon divine wisdom. Law-makers receive their authority from the Lord, and they must exercise this authority in accord with the divine law, which is superior to the laws of men. The Wisdom of Solomon states the situation very clearly:

Listen then, kings, and understand;  
 rulers of remotest lands, take warning;  
 hear this, you who have thousands under your rule,  
 who boast of your hordes of subjects.  
 For power is a gift to you from the Lord,  
 sovereignty is from the Most High;  
 he himself will probe your acts and scrutinize your intentions.  
 If, as administrators of his kingdom, you have not governed  
 justly  
 nor observed the law,  
 nor behaved as God would have you behave,  
 he will fall on you swiftly and terribly. (Wis 6:1-6.)

. . . . .

Yes, despots, my words are for you,  
 that you may learn what wisdom is and not transgress;  
 for they who observe holy things holily will be adjudged holy,  
 and, accepting instruction from them,  
 will find their defence in them. (Wis 6:9-11.)

Just law is an expression of divine wisdom, for just law is nothing but a formulation, a defense, and a mode of realizing the claims of morality in civil society.

In the covenant with Noah, both a prohibition and an affirmative precept were included:

I will demand an account of every man's life from his fellow  
 men.  
 He who sheds man's blood, shall have his blood shed by man,  
 for in the image of God man was made.

As for you, be fruitful, multiply,  
teem over the earth and be lord of it. (Gen 9:5-7.)

Corresponding to the two precepts, we can distinguish between two functions of just law in human society. First, man has an assigned task, the extension of human life and the subjection of nature. Civil society organizes cooperation for the attainment of those aspects of this task that can be achieved by such a community as the city, the state, and the nation. The laws direct cooperative action toward the good, and they prohibit interference in such positive efforts.

Second, man also is a creature, and so there are boundaries to his dominion, and these boundaries may not be transgressed. God, not man, is the lord of life; to God, not to man, not to the whole of creation, is ultimate fidelity due. Hence the laws must recognize and respect certain inviolable values and must, so far as possible, prevent attacks upon them. Even the Declaration of Independence, a document inspired by a religion which was losing its faith, recognized that just law demands more than the consensus of the community. For there are rights given man by God the creator, and these rights no one can take away. Governments derive their reason for being from their function in defending these rights.

With this foundation, we can sketch briefly the mutual relationships between morality and law. First, let us notice the ways in which law depends upon morality.

The force of law comes from its moral foundation. Mere coercion can make men conform to the demands of a tyrant, whether the tyrant be a single insane man or a whole sick society. But law needs justification, it needs a ground on which its claim is rightful. Law, the legitimate, the *de iure*—these stand against mere compulsion, the *fait accompli*, the *de facto*.

Thus law requires authority, and it derives its authority from morality. Because true morality is from God, all authority comes from Him. Unless the divine source of morality is recognized, law must inevitably seem to individuals nothing more than a subtle method by which members of society coerce



one another. The result, naturally, is insolence and disrespect for the law. This insolence is patent in the unsophisticated, since they do not know how to conceal it. Among the intellectually sophisticated, insolence takes a subtle form. The law is used as a device to extend indefinitely the scope of freedom of action for the sophisticated themselves, while the less sophisticated are consigned to the status of material for psychological and sociological experimentation.

The law also depends upon morality in that unjust laws do not have the power to bind. One can appeal from the demands of the law to a higher principle, the morality which is the source of legal authority. We recognize this fact not only in the rights protected by our fundamental documents but also, for example, in the provision for conscientious objection to military service. What is the appeal to conscience? If it is nothing but the will of the individual set against the will of the majority, then provision for such an appeal is irrational, because on this basis the force of every law would be nullified. Anyone who wishes to break a law would appeal to his own conscience. We assume that the conscience that objects is not claiming the right to set its own autonomous judgment over against the law but is appealing—rightly or mistakenly—to a superior principle from which just law derives its authority.

Since unjust laws do not bind, law depends upon morality for criticism and derives its dynamism from this criticism. Law progresses as moral judgment is applied to purify it of what is unjust. Law that is not subjected to the constant criticism of consciences that recognize a superior principle of right will necessarily stagnate or even degenerate. One hears the slogan: "You can't legislate morality." It is a half-truth, and a dangerous one. Should we legislate immorality? Although law should not enjoin every good act nor prohibit every evil one, the first standard of good law is that it be in accord with morality. Sometimes when this slogan is used, its true meaning is: "You can't legislate your morality, because I am going to legislate mine." That is either cynicism or relativism, and neither attitude can be accepted by those who see in morality the requirements of the wisdom of God.

But the relationship between morality and law is not a one-way affair. If law depends upon morality for authority, morality depends upon law for realization. Without law, civil cooperation would be impossible, and so all that part of man's moral task that requires such cooperation would remain unaccomplished. Without law, inviolable values lack effective protection, and so all that part of man's moral responsibility that requires respect for such values is liable to be cast aside.

The organization of civil cooperation is a function of regulatory statutes, such as those governing commerce; of licensing statutes, such as those governing the practice of medicine; and of the civil law of contracts, as well as of many other parts of the law. Some parts of the criminal code, particularly sections concerned with the defense of property rights, pertain more to this aspect of the law than to the defense of inviolable values, because property itself is extrinsic to the person, and its relationship to the inviolable values is only indirect.

The inviolable values that are intrinsic to the person clearly are protected by criminal law and by the restrictive provisions of our fundamental law. Life and liberty, the integrity of the person against physical and psychological constraint and restraint—the defense of these values is the law's most sacred task. Unfortunately, there has been a tendency to emphasize certain aspects of the law's task at the expense of others, which remain unrecognized in the secular city.

For example, the freedom of those who own property to hold, use, and dispose of it is protected not only by the constitutional immunity from seizure without due process but also by a very large segment of the entire legal code. Today, those of us who are more prosperous live an increasingly luxurious life, but even in America—"land of plenty" and "land of opportunity"—many have little, live in need, and can leave to their children only the same heritage of misery they themselves received from their parents. It is obvious that some other right has gone unrecognized. It is the fundamental right of each man, created in the image of God, to live in the decency that befits his dignity—a little less than a god. Every

man has a right to his crown of glory and honor, and every man has a right to dominion over a fair share of the goods of the earth. Looting and arson cannot be morally justified, but neither can a way of life which invokes law against the crimes of the poor but refuses to use law as an instrument to rectify deep and long-standing social injustices. Nor is there any validity in the argument that social justice would be too expensive. What selfish hearts cannot afford, just hearts would find within their means.

Again, the freedom of the publisher to print and sell what he likes is protected by constitutional guarantees; the right of the continent person to an environment free of unnecessary erotic stimuli is not yet recognized. Here is no question of censorship but of freedom from solicitation. It is impossible to walk down a street or open a newspaper, to turn on a TV news program or glance at a book rack without being accosted and solicited by a multitude of impersonal prostitutes, bent on seduction as a means to increased sales of automobiles and shaving cream, cigarettes and beer, swim suits and theatre tickets, vitamin pills and paperback books.

Similarly, freedom of religion is effectively and rightly protected insofar as establishment and free exercise is concerned; the right of parents to choose the form of religious education they desire for their children is not so effectively protected. Only one type of religious education is given full public sanction; it is the type that presents religion as a function of peripheral significance in a human life and a society dominated by human problems, human desires, human thoughts, human efforts, human satisfactions, human frustrations, and human anxiety. This sort of education has been so effective that many sincerely religious people have responded by trying to make religion relevant—that is, by showing how well it can play its assigned peripheral role. Human frustrations and anxieties, if nothing else, should recall the lesson that our fathers learned so often and so painfully—in the desert, in defeat, in captivity—that religion exists to make man relevant to God, to the one God, and that the gods that are relevant

to man always are pluralistic participants in the condominium of a pagan pantheon.

The law has an important function in support of the efforts of those who wish to be virtuous but who realistically recognize their own weakness. Blindness to evident facts of human psychology continually leads idealists to suppose that the law need not perform this service to morality. Yet, an honest person who knows his own heart is grateful, for example, that the law makes addictive drugs rather difficult to obtain. One easily recalls times when the influence of a crowd or the discomfort of bearable pain might have set one on the way to addiction. Again, virtue has its price, and we should be ready to pay it. But who can blame a businessman who wants the law to provide some assurance that his competitors will not gain an overwhelming advantage by cashing in on unregulated vice?

## II.

Now that we have sketched in rather broad strokes the concepts of morality and law and considered their mutual relationship, let us proceed to a further point. Let us consider the most important contribution religious morality, rooted in faith, can make to the secular city in which we live. I think this contribution is a true sense of freedom.

The concept of freedom, as a self-determination governed by objective standards, has its origin in our religious faith; today this concept is gradually vanishing. On the one side are naturalists, who have room for political liberty but who do not understand what self-determination means. Freud and Dewey, though quite different from one another, both exemplify this position. Freedom in the individual is equated with maturity, with the proper termination of the process of development. Knowledge or insight is supposed to untie the knots that may interfere with this development. Thus the school and the couch are counted on to save man, for moral evil is nothing but immaturity and blocked development. On the other side are atheistic existentialists, such as Nietzsche and Sartre. They

insist against the naturalists on man's power of self-determination. But they do not see that this freedom is meaningless without God. Man cannot create values out of nothing, and he is not free if his only possible act is to say "No" to what is. The existentialists fear that, if there is a God, human freedom will be impossible; they refuse to recognize that, if there is no God, human freedom is meaningless.

For the freedom of self-determination is the ability of man, made in the image of God, to say a decisive "Yes" or "No" to the alternatives which divine law proposes. The Greeks, the Egyptians, the Persians—none had a concept of freedom. They did not believe in the one God who created heaven and earth but in gods who were part of the universe, or its necessary principle of emanation. They did not believe in a God who chose for Himself His own people but in gods who were assigned by accident or necessity, or who were created by the people themselves. But since our Lord created all things freely and since He freely covenanted with our fathers, we know what freedom means.

And we know that we men are free, for we were made in the image of God. When the Lord our God offered His covenant to our fathers through Moses, He proposed His law not as a necessity nor as a mere caprice but as an appeal to a freedom which He respected because He Himself had created it. Remember the words of Deuteronomy. There are two ways. One is the way of love of the Lord, obedience to His commandments, His laws, His customs. The other is the way of false gods, disobedience to the commandments of the Lord, violation of His laws, disregard of His customs.

"See, today I set before you life and prosperity,  
death and disaster." (Dt 30:15.)

. . . . .

"Choose life, then, so that you and your descendants  
may live,  
in the love of the Lord your God, obeying his voice,  
clinging to him;  
for in this your life consists. . . ." (Dt 30:19-20.)

Though not all of us accept the book of Ecclesiasticus or Sirach as part of sacred scripture, I think we might all accept its magnificent formulation of the biblical concept of the freedom and moral responsibility of man, for, like the Wisdom of Solomon, it echoes themes found in the common canon of scripture. Thus, of man's freedom it says:

Do not say, "The Lord was responsible for my sinning,"  
for he is never the cause of what he hates.

. . . . .

The Lord hates all that is foul,  
and no one who fears him will love it either.  
He himself made man in the beginning,  
and then left him free to make his own decisions.  
If you wish, you can keep the commandments,  
to behave faithfully is within your power.

. . . . .

Man has life and death before him;  
whichever a man likes better will be given him.  
For vast is the wisdom of the Lord;  
he is almighty and all-seeing.

. . . . .

He never commanded anyone to be godless,  
he has given no one permission to sin. (Sir 15:11-21.)

Thus we have freedom, precisely because we are creatures of God and precisely because He guides us with His wisdom. We cannot change the nature of right and wrong by our choice. If we could do that, there simply would be nothing evil, and then there would be nothing morally good either. What we can do by our choice, what is within our power, is to say the decisive word before God: "Your servant listens," or: "I will not serve."

This fundamental concept of freedom and moral responsibility is most important to an appreciation of law. Of course, our freedom can be limited—in extreme cases even obliterated—by psychological and social factors that inhibit or preclude our functioning as fully human persons. To the extent that this is true, sciences such as psychology and sociology

can explain human behavior. But just to this extent our action has no direct moral significance, and it cannot be regulated by law. For law appeals to the person as a free and responsible agent; it does not deal with him as a patient or a product of his environment.

In saying this I do not mean to deny an appropriate role to psychology and social science in the treatment of unfree behavior. I only wish to insist that to the extent behavior is not free, to the same extent responsibility must be exercised by others. A free society in which no one is more than a patient and product of his environment is a contradiction in terms. This elementary but neglected truth must be remembered in any discussion of crime.

Appreciation of this truth might open the way to the profound and thorough reform our penal institutions very much need. To the extent that a crime is a product of bad environment and psychic disease, it is not a human and responsible act. And so to this extent the criminal ought not to be punished; he ought to be treated in a way likely to result in his cure.

However, to the extent that a crime is the expression of self-determination, it is a human and responsible act, and to this extent the criminal must be judged guilty. But our judgment should be more like God's judgment: a sentence of compassion rather than of condescension, a sentence of mercy rather than of mere condemnation. With our present penal practice, many prisoners probably suffer graver injustices than they have committed. Crime calls for reconciliation more than for isolation, and the criminal should be held to restitution—so far as possible—rather than be subjected to useless and irrelevant suffering. But in all penal reform we should maintain the important distinction between the morally responsible aspects of criminal conduct and the psycho-social conditions that limit the freedom of that conduct.

The criminal law has attempted to draw a line between morally significant action and unfree behavior, by incorporating concepts such as "criminal intent." The line must be

maintained, though it sometimes is obscured because man often acts with a freedom severely diminished by factors beyond his control. The familiar "degrees" of homicide correspond to degrees of moral freedom. The abandonment of the dividing line not only would mean inappropriate reaction by the community to criminal acts; it also would mean the eventual control of everyone's behavior by the experts. If there is no crime, there is likewise no free act that is good. Every man with the law of God in his heart is competent to be a participant in the making of the laws, but only a trained specialist is competent to be a social engineer.

Also, in social action programs, such as those of the war on poverty, we should always maintain the distinction between unfree behavior and responsible action. Welfare programs, because of the predicament of the recipients, offer tempting opportunities for experiments in social engineering. While such experiments are being conducted, those who control society can both congratulate themselves on their generosity and enjoy the fruits of the continued exploitation that manipulation of the disadvantaged makes possible. Manipulation and coercion should be eliminated from welfare programs. The first principle of social welfare policies should be to assure everyone the means to pay as little attention to the advice of experts as the experts pay to the law of God.

Sometimes the whole question of the relation of law to social evils is confused by the supposition that a social evil is indistinguishably a moral reality and a purely factual state of affairs. If social evil is a moral reality, overcoming it will purge society of immorality and lawlessness. If social evil is a purely factual state of affairs, overcoming it is a technical problem susceptible of a technical solution. Because the two are confused, it comes to seem that social evils are opportunities for the elimination of immorality and lawlessness by the relatively simple procedures of technological manipulation.

To those who believe, the illusoriness of this view is obvious. But we must make absolutely clear to our fellow citizens that social evils—whether riots in the cities or criminal abortion or



unequal opportunities for employment—are not simple, homogeneous entities. Every such evil undoubtedly has purely factual aspects, which must be dealt with as such. Handling what already exists is not a question of directing human freedom but a problem of mastering recalcitrant matter by means of suitable techniques. When we are confronted with facts that give rise to evil, we must try to change them to make way for good. But every such evil also has aspects of a strictly moral character. There is no point in trying to find a technical remedy for these aspects. Nor can we expect that law enforcement will ever eliminate moral evil. Men are free; we sin; we can only turn to the Lord and ask for His mercy and His aid.

In a longer, more theoretical exposition, this would be the place to take up the utilitarian ethics and jurisprudence which is set up as an idol by those who lack faith in the place that rightly belongs to the morality and jurisprudence of the wisdom of God. Utilitarianism pretends to respect man's freedom and at the same time to improve him by applied science. The theory is incoherent. No one ever reached a moral decision by it, for utilitarian reasoning always assumes what is decided by moral judgment when it formulates a question for decision. Only after this assumption can utilitarianism provide a plausible rationalization for the decision that already has been made.

Unfortunately, we cannot enter upon this exposition. Suffice it to say that fundamental truths of faith are irreconcilable with utilitarianism. Among these are that God is a good and loving father, who can care for us because He is all-knowing and all-powerful; that God's goodness is boundless and that His wisdom transcends our understanding.

### III.

If a true sense of freedom is the most basic contribution that moral teaching rooted in our religious faith can make to the legal institution in our day, I think that the next most important contribution would be a reiteration of the forgotten richness of our moral tradition. We hear over and over again about a few moral concepts. The concepts are good in them-

selves, but their names are perverted when they are torn from the living context of faith in God and used as slogans that are repeated until they become meaningless: love, responsibility, equality, love, commitment, dialogue, love, sincerity, interpersonal relations, love, openness, concern, and mutual love. One can understand why unbelievers, who know only problems for cold intelligence, or subconscious urges, or a hopeless yearning for power, or useless passion and nausea, should find the world empty of love and feel a constant need to speak of it as of a priceless possession that has mysteriously vanished from the earth without leaving a trace.

For those who believe, the obsession with love must be suspect. No one is obsessed about the very atmosphere he breathes, and love is the very atmosphere the spirit of the believer breathes:

Give thanks to the Lord, for he is good,  
his love is everlasting!

. . . . .

His wisdom made the heavens,  
his love is everlasting!

. . . . .

He struck down the first-born of Egypt,  
his love is everlasting!

. . . . .

He remembered us when we were down,  
his love is everlasting!

. . . . .

He provides for all living creatures,  
his love is everlasting!

Give thanks to the God of Heaven,  
his love is everlasting.

(Ps 136.)

Like the atmosphere, genuine love does not displace everything else. Rather, it suffuses all the living and finds specific form in their specific modes of goodness. We hardly hear of these: purity, piety, gratitude, courage, courtesy, and so many more. For God, to love is enough; for us, holiness must take specific shape or it disperses as a breath.

**Purity:** the very concept is in danger of being lost. Purity is indissolubly linked with holiness; purity is a disposition required of those who touch the holy. Purity is singleness of heart. How can one rightly encounter the holy with ulterior motives?

**Piety:** we were not our own beginning. Piety recognizes the source of our being and acknowledges the love from which we came. We come forth from our mother and we take shape within her womb; we come forth from our father and we grow up within his house; we come forth from God and we live within His world. If we forget this, has the world come of age?

**Gratitude:** a creature must receive gifts patiently. It is more Godlike to give than to receive, but our love is a need, an aching void. Man without God thinks that love is only in giving. We talk of giving ourselves. The gift may be an empty box, for the self is nothing until it is offered to God and filled up with His riches.

**Courage:** how this noble concept is distorted. A woman so devoid of modesty that she approaches nearer to nudity than anyone else in her circle is credited for the courage of her fashions. Similarly, a person who abandons his faith and makes a public spectacle of himself is credited with the courage of his convictions. Apparently the only courage is in giving satisfaction to voyeurs. Where is the courage of the martyrs, the witnesses of a faith that does not die? Today men of faith are under subjection by the Greeks, who try to impose their pagan cults. They make skillful use of the exquisite torture of public opinion. Where are martyrs like those whose heroism is recounted in Maccabees?

**Courtesy:** the extension of the spirit of ritual into daily life. Nothing is more empty than courtesy separated from true worship of God. But nothing is more characteristic of men who see in one another the image of God than a courtesy in behavior which is an image of the ritual by which they worship God.

In mentioning these virtues, I do not mean to suggest that morality should be confined to the private sphere of life. The

task which God has set for us requires the work of vast organizations as well as the effort of single individuals and small groups. But in every case, it is individual persons who will see what can be done, who will judge what should be done, who will do what is going to be done. Social consciousness is part of individual character, not a substitute for it.

One of the most disquieting trends of this decade is the tendency of many well-intentioned young people to try to substitute the experience of activity in small groups for cultivation of personal character and cooperation in the work of existing institutions. Established structures have their defects, and so they must be purified and strengthened. But they are essential for organizing effort on the scale necessary to do anything more about great social problems than to amuse oneself with the game of social consciousness and commitment. Social activism pursued as an opportunity for experience has been known to yield its place to LSD. This degeneration reveals that the meaning of the activism was egoistic, and that the activist lacked character established on the firm foundation of the wisdom of God which, though itself unchanging, has the power to make all things new.

Some who have no faith propose authenticity as the single moral absolute. This authenticity, which also is called sincerity or honesty, is an ideal of conformity between one's inner self and his outward action. The standard is the inner self. One's own autonomous freedom is supposed to determine everything, and moral failure consists solely in allowing anything beyond oneself to distort the expression of this freedom. Even the apostles of authenticity admit that the ideal is impossible, but this admission has not prevented the standard of authenticity from exerting a seductive attraction. As a result, respect for law and adaptation of oneself to existing institutions are more and more condemned as phoneyess and surrender to hypocrisy.

Those who believe must have the confidence to point out that phoneyess and hypocrisy are not avoided by an illusory authenticity but only by an authentic humility, for humility

is the acceptance of oneself, before God, for what one is. The humble hold fast to the law that they violate, that by it they may know the truth of their guilt. The apostles of authenticity condemn such humility as hypocrisy and propose instead that a free man should reject the authority of the law which he chooses to violate. As if a consistent denial of one's deepest being, his existence as a creature of God, were somehow more honest than a failure admitted as guilty to fulfill the law of the Lord.

Others who have no faith propose "maturity" as the single moral absolute. This maturity, which also is called adjustment or personality-integration, is an ideal of inner peace. The ideal state of tension-free existence has proved to be a mirage. Most disturbing to the dream of peace are objective moral standards and the demands of laws based upon them. These demands lead to civil war within the self. If only these harsh, rigid, impersonal, legalistic, abstract, inhuman rules could be changed! Then perhaps we could do what we are inclined to do without being bothered by guilty consciences.

Those who believe have a solemn obligation to bear witness to the unchangeability of the principles which underlie the law. There is room for constant revision in man-made laws, to make them better conform to the standard of justice. But the repeal of just laws, though it may make crime respectable, does not allow the guilty man to escape. Our age is like that of Isaiah when a rebellious people told the prophets:

Do not prophesy the truth to us,  
tell us flattering things;  
have illusory visions;  
turn aside from the way, leave the path,  
take the Holy One out of our sight. (Is 30:10-11.)

However unlikely it is that the message will be well received, it must be repeated that there is no escape from the inner conflict that we find so painful, except by repentance and the mercy of God. For Isaiah also tells us:

For thus says the Lord God, the Holy One of Israel:  
Your salvation lay in conversion and tranquillity,

your strength, in complete trust;  
 and you would have none of it.  
 "No," you said, "we will flee on horses."  
 So be it, flee then!

. . . . .

But the Lord is waiting to be gracious to you,  
 to rise and take pity on you,  
 for the Lord is a just God;  
 happy are all who hope in him. (Is 30:15-18.)

Others who have no faith—and some who have faith but who are deceived by a plausible counterfeit of the wisdom of God—propose love as the only moral absolute. The love in question is supposed to be a responsible care and concern for the good of others, a care and concern so diligent in seeking what is beneficial that it does not stop short at violating standards of right and wrong. Not only man-made laws but even the most solemn demands of the law of God are considered to be open to justified violation whenever love requires. The end justifies the means. Although proponents of this theory deny that it is antinomianism, that, nevertheless, is its practical effect.

Those who believe must point out that the demands of love are not a practical guide for action. If one has a question about what he should do, then certainly he will find in his heart a conflict between two or more loves, each claiming the right to guide action. More fundamentally, believers must insist that the love which transcends the precepts of the law does not violate them, since this love is directed to the Lord our God.

Within the community of Judaeo-Christian religious faith are many theologies that try to explain the absolute demand of this fundamental commandment. Among these theologies are the situational morality of Brunner, Barth, and Bonhoeffer as well as the finely drawn morality of rabbinical teaching and the moral theologies developed in the light of the authentic teaching of the Catholic Church. These theologies differ greatly from one another. Yet all of them agree in rejecting

the notion that a merely human appraisal of what is beneficial could justify the violation of what is accepted as a demand of the law of God.

Against any form of love-ethic that evades the requirements of faith stands the faith of Abraham. He was ready to do to Isaac, not what love required, but what the Lord commanded. Where there is no absolute limit, faith has been abandoned and replaced by a purely human, merely utilitarian ethics. This is the "new morality"—utilitarianism newly dressed in a costume and mask that lets it impersonate true morality based upon the law of God.

In the field of law, not everything can be reduced to love—that is, to the production of measurable benefits. Justice has an absolute aspect; we must defend it even when no benefit seems to accrue, even when the net result seems harmful. This obligation is particularly strong in regard to the defense of the inviolability of innocent human life. Human friendship is a higher value than life itself, but the higher value cannot exist if the lower is not preserved. When the link between sexual activity and the beginning of new life is broken, sexual activity becomes ambiguous and is in danger of losing all meaning. When a right is conceded to violate innocent human life in the name of love, all human activity becomes ambiguous and is in danger of losing its meaning.

For no one can know the meaning of the life of the one who is killed, and no one can calculate what would be the worth of that life.

I will demand an account of every man's life from his fellow men.  
 He who sheds man's blood,  
 shall have his blood shed by man,  
 for in the image of God  
 man was made.

(Gen 9:5-6.)

God, not man, is the lord of life. Only God knows who is truly well born, since man, the image of God, reflects the immeasurability of the Lord's meaning and goodness.

When we look back to the Nazi era, we wonder how such insanity could have taken hold of a civilized nation. In the

1920's, German intellectuals, physicians, lawyers, and clergymen discussed proposals of programs of legalized abortion and euthanasia for the elimination of those whose lives were deemed to be without value. When the Nazis came to power, the groundwork was already laid. The abortion program was rejected as a waste of potential manpower, but the euthanasia programs were put into effect. Half-a-million or so persons, many of them infants, died as a result of these "humanitarian" programs. These facilities, originally developed to eliminate sickly infants, the insane, the incurables, and the senile, were only later expanded to bring about the "final solution to the Jewish problem."

The moral basis of law is essential to defend an absolute concept of justice that will prevent that from happening again. The idea of a moral absolute is likely to meet resistance. But there are two kinds of absolutes. One is an aggressive absolute. It claims the right to obliterate everything in its path. For finite beings, such an absolute is a source of terror, for we never can resist such a thing. Those who do not believe in God fear Him because they imagine Him to be like this. Those who believe do not fear Him, only if they trust in His love.

The other kind of absolute is a defensive absolute. It claims the right only to defend something against any power that may seek to destroy it. For finite beings, such an absolute is a source of confidence, for without protection we would be at the mercy of anyone who thinks he is God and who sets out to achieve the final solution of some problem.

We all hope that the world never will experience a large-scale nuclear war. But if it should happen, how will survivors look back upon us? Will they judge that our commitment to a strategy of nuclear deterrence made us less and less sensitive to the inviolability of innocent life? Will they consider our acceptance of legalized abortion as a symptom of the decay of our respect for the law of God?

Probably the most important objection that can be raised against moral absolutes, even defensive ones, is that no one can tell in advance for every situation that a certain mode of



action, though it be evil, may not be necessary to prevent an even greater evil. It was all very well, so the objection goes, for the Stoics to say: "Let right be done though the world perish." But the fact is that the world is not a simple structure of rational necessity as the Stoics imagined. Instead, it is a dynamic interfolding of good, stemming from the creator, and of evil, stemming from the imperfection of creation and from man's abuse of his liberty in separation from God. Therefore, concludes the objection, man must exercise responsible dominion over himself and the rest of creation. This role falls to him precisely because he is made in the image of God. In this role man must build up his world, even in violation of an abstract rightness that a Stoic would have respected.

The argument is plausible. Surely faith must reject the Stoic maxim. However, the alternative proposed by the objection is the position of modern humanism, not the alternative of faith. For faith has never accepted the maxim: "Let wrong be done lest the world perish."

If believers have become aware of human freedom and responsibility, as the Stoics never conceived them, still, believers also have remembered the source of this awareness: that man is made in the image of a free and responsible God. Hence, ever since Abraham, ever since Noah the man of faith has said:

*Let right be done, and pray that God not permit the world to perish. And if the world seem to perish before your very eyes, then believe, man of faith, that the Lord our God, who created both earth and heaven, stands firm forever.*

GERMAIN G. GRISEZ

*Georgetown University  
Washington, D. C.*