

WHILE VISITING MY DAUGHTER IN SIOUX FALLS, SD., RECENTLY, I WAS PURUSING THE TITLES ON HER BOOK SHELVES WHEN ONE IN PARTICULAR CAUGHT MY ATTENTION. IT WAS: THE EFFICIENT SOCIETY: WHY CANADA IS AS CLOSE TO UTOPIA AS IT GETS. I ASSUMED, RASHLY AS IT TURNED OUT, THAT THE AUTHOR JOSEPH HEATH HAD PENNED A PARODY ON CURRENT CANADIAN ECONOMIC AND SOCIAL THEORY. HOWEVER, PROFESSOR HEATH, WHO HOLDS A CANADA RESEARCH CHAIR IN ETHICS AND POLITICAL ECONOMICS AT THE UNIVERSITE' de MONTREAL, WAS QUITE SERIOUS.

WHAT WAS EQUALLY STRANGE WAS WHY THIS BOOK WAS ON MY DAUGHTER'S SHELF. SHE HAS A DOCTORATE IN HISTORY AND THERE WERE NO OTHER VOLUMES ON ECONOMIC AND SOCIAL THEORY IN EVIDENCE. IT TURNED OUT THAT HER BROTHER HAD BEFRIENDED JOSEPH HEATH WHILE HE (THAT IS, MY SON) LIVED IN CANADA WHEN HE ATTENDED YORK UNIVERSITY. IN FACT MY SON'S NAME APPEARS IN THE "ACKNOWLEDGEMENTS" IN FRONT OF THE BOOK AS ONE WHO HAD CONTRIBUTED THROUGH CONVERSATIONS WITH THE AUTHOR TO THE DEVELOPMENT OF THE BOOK'S THESIS. BECAUSE MY SON HAS A DOCTORATE IN PHILOSOPHY, THIS SEEMED QUITE PLAUSABLE. THUS, THE FAMILY CONNECTION PICQUED MY INTEREST IN THE BOOK.

JOSEPH HEATH'S BOOK IS A WONDERFUL EXAMPLE OF ALASDAIR MacINTYRE'S OBSERVATION IN THE BEGINNING OF AFTER VIRTUE THAT THE MORAL ORDER THAT WE ONCE KNEW HAS NOT SIMPLY CHANGED,

BUT IT HAS DISAPPEARED. THIS FACT, MacINTYRE SAYS, IS "...A GRAVE CULTURAL LOSS."1 (MacIntyre, After Virtue, Pg. 21)

PROFESSOR HEATH IS QUITE CANDID IN AGREEING WITH MacINTYRE THAT THE OLD MORAL ORDER HAS DISAPPEARED, BUT HE FINDS THIS AN IMPROVEMENT. HEATH WRITES:

"EFFICIENCY IS A VALUE. AND WHETHER WE REALIZE IT OR NOT, IT IS THE CENTRAL VALUE IN CANADIAN SOCIETY. IT HAS LARGELY DISPLACED RELIGION, ETHNICITY, AND LANGUAGE AS A SOURCE OF PUBLIC LOYALTY. ...IN FACT, OUR INCREASED COMMITMENT TO EFFICIENCY IS A SIGN OF PROGRESS." (THE EFFICIENT SOCIETY: WHY CANADA IS AS CLOSE TO UTOPIA AS IT GETS. (pg. xviii)

NOW MY ARISTOTELIAN/THOMISTIC LEANINGS LED ME TO WONDER WHAT ONE COULD POSSIBLY MEAN BY CALLING A SOCIETY "EFFICIENT." EFFICIENCY HAS TO BE MEASURED AGAINST SOME END. AN EFFICIENT WASHING MACHINE IS ONE THAT GETS CLOTHES CLEAN; AN EFFICIENT WORKER IS ONE WHO DOES WELL THE JOB THAT HE IS PAID TO DO. IN WHAT SENSE IS A SOCIETY EFFICIENT? AGAINST WHAT END IS IT TO BE MEASURED?

BEFORE DEALING DIRECTLY WITH THAT QUESTION, WE NEED TO KNOW THE THEORY OF CAUSALITY THAT HEATH IS ESPOUSING. IT IS NOT THE FOUR CAUSES OF ARISTOTLE WHICH HE SEES AS NOW OUTMODED. HEATH WRITES:

ONE THING TO NOTE ABOUT THE “EFFICIENT CAUSE” IS THAT IT CORRESPONDS TO WHAT NOWADAYS WE WOULD JUST CALL “THE CAUSE.” WHEN WE ASK WHAT THE “CAUSE” OF A FIRE WAS, WE ARE NOT WONDERING ABOUT WHAT PURPOSE IT SERVED IN GOD’S OVERALL PLAN FOR THE UNIVERSE. WE WANT TO KNOW WHAT SPARKED IT OFF. THUS WE TEND TO THINK OF ALL CAUSES AS EFFICIENT CAUSES. THIS IS ALSO NOT AN ACCIDENT. THE TWO OTHER TYPES OF CAUSES IN THE ARISTOTELIAN SYSTEM WERE THE “FORMAL” AND THE “MATERIAL” TO MAKE A LONG STORY SHORT, THE NEWTONIAN REVOLUTION IN PHYSICS EFFECTIVELY COLLAPSED THE FORMAL AND MATERIAL CAUSES INTO THE EFFICIENT CAUSE. AND THE “FINAL CAUSE” CAME TO BE SEEN AS SUPERFLUOUS, OR LARGELY SPECULATIVE (WHO KNOWS WHAT GOD WAS THINKING?). AS A RESULT, MODERN SCIENCE DEVELOPED AN EXCLUSIVE INTEREST IN EFFICIENT CAUSES. ALL THE OTHERS FELL BY THE WAYSIDE.
(pg. 11)

HAVING RID THE WORLD OF FINAL CAUSALITY, IT STANDS TO REASON THAT HEATH MUST RID THE WORLD OF ARISTOTLE’S POLITICAL THEORY WHICH IS BASED ON FINAL CAUSALITY. HE REFERS TO THIS THEORY AS THE PERFECTIONIST VIEW. THIS VIEW IS “...GROUNDED IN THE IDEA THAT THE PURPOSE OF POLITICAL ASSOCIATION IS TO ACHIEVE “THE PERFECTION OF MAN. IT STARTS WITH AN IDEAL OF THE BEST HUMAN LIFE AND THEN ORGANIZES ALL OF SOCIETY TO ASSIST INDIVIDUALS IN PURSUIT OF THIS IDEAL” (PG. 28)

OPPOSED TO THE PERFECTIONIST VIEW IS THE CONTRACTUAL VIEW WHICH HEATH FINDS FAR SUPERIOR. WE ARE INDEBTED TO HOBBS, ROUSSEAU AND LOCKE FOR THIS ENLIGHTENED VIEW OF SOCIETY. IN OUR DAY IT IS FOUND IN THE WRITINGS OF JOHN RAWLS WHOM HEATH CALLS

“...THE MOST IMPORTANT POLITICAL PHILOSOPHER OF THE TWENTIETH CENTURY.” (pg. 39)

HEATH'S ASSUMPTIONS ARE QUITE APPARENT. THE MOST IMPORTANT OF THESE IS THAT TRUTH IN ITS METAPHYSICAL SENSE IS UNATTAINABLE. IT FOLLOWS FROM THIS THAT THERE IS NO UNIVERSAL IDEA OF THE NATURE OF THE HUMAN PERSON OR OF THE MEANING AND PURPOSE OF HUMAN LIFE. WITHOUT AN ADEQUATE NOTION OF THE HUMAN PERSON, ARISTOTLE'S DEFINITION OF JUSTICE - TO GIVE TO THE OTHER HIS DUE - HAS NO MEANING. WE MUST ARBITRARILY DECIDE ON THE MEANING OF JUSTICE BEHIND RAWL'S "VEIL OF IGNORANCE," ASSURED IN ADVANCE THAT IT WILL TURN OUT TO BE THE MINIMUM REQUIREMENTS OF LAW THAT WILL ALLOW US TO LIVE TOGETHER IN RELATIVE PEACE AND ORDER.

IN THE CONTRACTUAL THEORY, AS OPPOSED TO THE PERFECTIONIST THEORY, IT IS THE WILL OF THE INDIVIDUAL THAT DOMINATES. THE INTELLECT HAS ONLY THE FUNCTIONAL PURPOSE TO DETERMINE THE MEANS THAT WILL LEAD TO THE ENDS COLLECTIVELY AGREED UPON BY THOSE INDIVIDUALS WHO HAVE "CONTRACTED" TO LIVE TOGETHER IN A GIVEN SOCIETY.

HEATH POINTS OUT THAT "THE CONTRACTUALIST VIEW OF SOCIETY HAS OBVIOUS CONSEQUENCES FOR OUR UNDERSTANDING OF SEXUAL MORALITY." (pg. 36) IN FACT, OF COURSE, THE CONTRACTUALIST

VIEW HAS OBVIOUS CONSEQUENCES FOR OUR UNDERSTANDING OF MORALITY IN GENERAL, BUT HEATH IS PLEASED THAT NOW WE CAN REDUCE THE MORAL TO THE LEGAL HE WRITES:

THE FACT THAT SODOMY OR FELLATIO (AND ALSO, SIGNIICANTLY, ABORTION) WERE CONSIDERED IMMORAL WAS SIGNIFICANT GROUNDS FOR MAKING THEM ILLEGAL. BUT IN THE CONTRACTUAL VIEW, THE STATE HAS THE POWER TO ENFORCE A PARTICULAR RULE ONLY IF EVERYONE CAN AGREE TO GIVE THE STATE THAT PARTICULAR POWER. (pg. 36)

ACCORDING TO THE SCRIPTURAL ACCOUNT IN GENESIS, ADAM AND EVE WERE DRIVEN FROM THE GARDEN OF EDEN FOR TRYING TO ATTAIN JUST THIS ARRANGEMENT: MAN WOULD DECIDE FOR HIMSELF WHAT IS GOOD AND WHAT IS EVIL.

WE ARE NOW APPROACHING THE TRUE MEANING OF “EFFICIENCY” IN THE EFFICIENT SOCIETY. THE STAGE IS NOW SET FOR WHAT HEATH MODESTLY CALLS “...ONE OF THE BIGGEST INTELLECTUAL REVOLUTIONS OF THE TWENTIETH CENTURY.” (pg.19) UP TO THIS TIME, ACCORDING TO HEATH, THE MOST POPULAR MORAL VIEW WAS THAT OF HEDONISM. HOWEVER, THERE WERE CERTAIN PROBLEMS WITH HEDONISM, ONE OF WHICH WAS TO EXPLAIN ALTRUISTIC ACTIONS. THIS PROBLEM WAS SOLVED WHEN WE ADOPTED THE NEW THEORY OF EFFICIENCY. THE BASIS OF THIS NEW THEORY IS AS FOLLOWS:

EFFICIENCY THEORY ... CAN REMAIN NEUTRAL ON THE QUESTION OF WHAT GOALS PEOPLE HAVE. IT JUST SAYS THAT PEOPLE SET GOALS AND THEN ATTEMPT TO ACHIEVE THEM AS EFFICIENTLY AS POSSIBLE.

THE ROLE THEN OF SOCIETY IS TO ASSIST THE INDIVIDUAL IN ACHIEVING HIS OR HER FREELY CHOSEN GOALS. THE SOCIETY THAT DOES THIS MOST EFFICIENTLY IS THE BEST OF ALL SOCIETIES, AND HEATH GIVES THE GARLAND OF VICTORY IN THIS REGARD TO CANADA. THE PROBLEM WITH OUR U.S. SOCIETY IS THAT GIVEN A CHOICE BETWEEN LIBERTY AND EFFICIENCY WE CHOOSE LIBERTY. (pg.xii) NOW HEATH IS QUITE MODEST IN HIS DEFINITION OF THE CANADIAN UTOPIA. HE HAS ONE CHAPTER ENTITLED: "IT MAY NOT BE PERFECT, BUT IT IS EFFICIENT." THE CONCLUSION TO HIS BOOK IS ENTITLED "WE HAVE SEEN THE FUTURE...AND IT IS EFFICIENT."

NOW IT IS EASY TO DISMISS HEATH'S THESIS BECAUSE IT IS PRESENTED WITH A CERTAIN FLIPPANCY AND A DISREGARD FOR ACCURACY IN PRESENTING OPPOSING POINTS OF VIEW, BUT THERE IS A CERTAIN LOGIC TO HIS POSITION THAT IS TO BE ADMIRER. ONCE YOU REDUCE THEOLOGY AND RELIGION TO SUPERSTITION AND MYTH AND ELEVATE THE SCIENTIFIC METHOD TO THE POSITION OF BEING THE ONLY METHODOLOGY FOR DEALING WITH REALITY, YOU END UP WITH THE SECULARIST VIEW OF LIFE THAT HEATH PRESENTS. AND, SORRY TO SAY, IT IS THE DOMINANT VIEW OF THE ACADEMY NOT ONLY IN CANADA AND THE UNITED STATES, BUT THROUGHOUT MOST OF EUROPE. THUS, IT IS THE RARE STUDENT WHO GETS THROUGH HIS OR HER COLLEGE CAREER WITHOUT BEING INTELLECTUALLY CORRUPTED IN THE PROCESS.

WHEN ONE COMPARES THE CLASSICAL VIEW OF SOCIETY WITH THAT OF THE EFFICIENT SOCIETY, ONE IS COMPARING TWO RADICALLY DIFFERENT POINTS OF VIEWS. FOR ARISTOTLE ONE CAN ONLY CONCEIVE OF THE INDIVIDUAL IN SOCIETY AND NOT APART FROM IT BECAUSE MAN IS A SOCIAL BEING. HUMAN PERFECTION CAN ONLY BE PURSUED IN COMMUNITY, AND FOR ARISTOTLE THAT MEANS THE POLITICAL COMMUNITY.

ARISTOTLE ALSO RECOGNIZED AN INTELLIGIBLE REALITY OF AN ORDERED UNIVERSE THAT IS KNOWABLE TO HUMAN REASON, PROVIDING THAT HUMAN REASON SUBJECTS ITSELF TO THE FIRST PRINCIPLES OF BEING AND THE RULES OF LOGIC. THAT THESE STIPULATIONS WERE NOT ALWAYS MET WAS PERFECTLY APPARENT TO ARISTOTLE. IN FACT, HE HELD THAT MOST PEOPLE WERE WRONG ON MOST ISSUES MOST OF THE TIME, ESPECIALLY REGARDING THE GOOD LIFE, JUSTICE, AND THE NEED FOR A SYSTEM OF LAWS BASED ON PRACTICAL REASON. IF HUMAN POSITIVE LAW WERE AN EXPRESSION OF SOUND REASONING, ARISTOTLE HELD, THEN THAT LAW WOULD ENCOURAGE AMONG THE CITIZENRY THE PRACTICE OF VIRTUE AND LEAD THEM TOWARDS HAPPINESS AND FREEDOM PROPERLY UNDERSTOOD.

THEREFORE, THE PURPOSE OF THE STATE FOR ARISTOTLE, RATHER THAN BEING THE EFFICIENT MEANS BY WHICH INDIVIDUALS CAN ACHIEVE THEIR PRIVATE GOALS, IS TO MAKE POSSIBLE THE PRACTICE OF

VIRTUE AND VIRTUOUS DEEDS. HAPPINESS IS AN ACTIVE LIFE GUIDED BY REASON IN PURSUIT OF VIRTUE, WHICH ABOVE ALL ELSE IS THE PURSUIT OF JUSTICE AND THE COMMON GOOD. ONLY THE INDIVIDUAL COMMITTED TO THE PURSUIT OF JUSTICE WITHIN SOCIETY AND THE ATTAINMENT OF THE COMMON GOOD WOULD EVER EXPERIENCE HAPPINESS.

SAD TO SAY, ARISTOTLE FOUND THAT THIS IDEALIZED VIEW WAS NOT TO BE REALIZED IN ATHENS. ANCIENT ATHENS WAS LIKE MODERN MONTREAL: "...EACH MAN LIVES AS HE PLEASES, 'DEALING OUT LAW TO HIS CHILDREN AND HIS WIFE' AS THE CYCLOPS DO." (NE 1180a26)

PAUL WADELL IN HIS BOOK FRIENDSHIP AND THE MORAL LIFE TRACES THE CIRCUITOUS INTELLECTUAL JOURNEY OF ARISTOTLE FROM BOOK I OF THE NICOMACHEAN ETHICS TO BOOKS VIII AND IX WHICH ARE ON FRIENDSHIP. ACCORDING TO WADELL, ARISTOTLE WAS CERTAIN THAT THE GOOD LIFE COULD ONLY BE LIVED IN COMMUNITY. IT WAS HIS FOND HOPE THAT THIS COULD BE ACHIEVED IN ATHENS, BUT HE SOON DESPAIRED OF THIS, AND CHOSE IN ITS PLACE THE COMMUNITY OF GOOD FRIENDS. WADELL WRITES: "ARISTOTLE HAS COME TO SEE THAT IN ATHENS THE COMMITMENT TO THE COMMON GOOD OF A JUST SOCIETY IS ABSENT, AND WITHOUT IT THE MORAL LIFE IS IMPOSSIBLE." (Wadell, pg. 48) WADELL GOES ON TO EXPLAIN, HOWEVER, THAT ARISTOTLE DID NOT ABANDON THE POLIS AS THE LOCUS OF THE MORAL LIFE, BUT IT IS

WITHIN THE CITY-STATE THAT FRIENDSHIP IS TO BE PRACTICED. IN FACT, THE POLITICAL COMMUNITY IS POSSIBLE ONLY BECAUSE THERE ARE A SUFFICIENT NUMBER OF GOOD PERSONS BOUND TO EACH OTHER IN FRIENDSHIP AND THE PURSUIT OF VIRTUE WHO LIVE WITHIN THE POLIS.

(Wadell, pg. 49)

TODAY ONE MUST PRACTICE THE MORAL LIFE IN SPITE OF THE CULTURE IN WHICH ONE LIVES. ARISTOTLE'S FOND HOPE THAT THE STATE WOULD ASSIST ITS CITIZENS TO PRACTICE VIRTUE AND PERFORM VIRTUOUS DEEDS IS NO MORE THAN A PIOUS HOPE. (NORTH CAROLINA IS ALMOST ALONE AMONG STATES IN NOT PROMOTING GAMBLING. HOWEVER, OUR GOOD CATHOLIC GOVERNOR IS TRYING TO GET RID OF THAT LAST VESTIGE OF THE VIRTUOUS LIFE.)

WHEN WE TAKE THE LONG VIEW AND REFLECT ON THE FACT THAT IT WAS THE ETHICAL PRINCIPLES DISCOVERED BY THE GREEK PHILOSOPHERS, ESPECIALLY PLATO AND ARISTOTLE, THAT FORMED THE BASIS OF WESTERN CULTURE, WE CAN SEE HOW FAR WE HAVE FALLEN.

IN THE EARLY STAGES OF THE CHRISTIAN CHURCH., THE GREEK AND LATIN FATHERS DID NOT HESITATE TO LEARN FROM THE PAGAN SAGES. ON ONE SIDE, THE EARLY CHURCH FATHERS RELIED FOR THE BASIS OF THEIR MORAL TEACHINGS ON THE JEWISH SCRIPTURES AND THE NEW TESTAMENT; ON THE OTHER THEY RELIED ON THE NATURAL LAW TRADITION AS FOUND ESPECIALLY IN ARISTOTLE AND CICERO. OVER

TIME THE BASIS OF CATHOLIC MORAL TEACHING DEVELOPED A TRI-FOLD SOURCE : SCRIPTURE, NATURAL LAW AND TRADITION, THAT IS THE TEACHINGS OF THE FATHERS AND DOCTORS OF THE CHURCH. THIS INTELLECTUAL PATRIMONY WAS REAFFIRMED IN POPE JOHN PAUL II'S PAPAL ENCYCLICAL VERITATIS SPLENDOR ISSUED IN 1993. THOSE OF YOU WHO ARE FAMILIAR WITH THAT DOCUMENT KNOW THAT IT AN ANGRY DOCUMENT. BY THAT I MEAN THE POPE WROTE IT TO CHALLENGE CERTAIN UNNAMED THEOLOGIANS AND SEMINARY PROFESSORS WHO WERE TEACHING A DISTORTED VERSION OF CATHOLIC MORAL THOUGHT.(Veritatis Splendor, pg. 9)

THE POPE IS MAINLY CONCERNED WITH THE LACK OF UNDERSTANDING OF THE IMPORT OF NATURAL LAW THEORY AND WHAT HE CALLS "...THE INTRINSIC AND UNBREAKABLE BOND BETWEEN FAITH AND MORALITY."(pg. 9) IN OTHER WORDS, THE CONTENT OF FAITH AND THE MORAL PRECEPTS OF THE CHURCH ARE ALL OF A PART. THEY ARE "A SEAMLESS GARMENT" THAT CANNOT BE SEPARATED INTO MATTERS OF FAITH AS TAUGHT BY THE CHURCH AND MATTERS OF MORALITY LEFT TO THE SUBJECTIVE INTERPRETATION OF THE INDIVIDUAL CONSCIENCE.

ALTHOUGH IT IS BEYOND THE SCOPE OF THIS PAPER, MENTION MUST BE MADE OF TRACEY ROWLAND'S BOOK CULTURE AND THE THOMIST TRADITION AFTER VATICAN II. ROWLAND EXAMINES THE AMBIGUITY IN THE CONCEPT OF CULTURE AS IT IS FOUND IN THE PAPAL

DOCUMENT GAUDIUM ET SPES, OR AS IT IS MORE PROPERLY KNOWN,
PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD.

(issued in 1965) ROWLAND MAKES REFERENCE TO A CONCERN THAT JOHN
PAUL II EXPRESSED BEFORE HE BECAME POPE IN REGARD TO A SERIOUS
MISUNDERSTANDING BY SOME SCHOLARS ABOUT NATURAL LAW
THEORY. HE THEN KAROL WOJTYLA WROTE:

AUTHORS OF VARIOUS ARTICLES AND PUBLICATIONS
SPOKE OUT ON BEHALF OF SUCH A MISGUIDED CONCEPT
AND IN TURN IMPOSED UPON THE HOLY FATHER AND ALONG
WITH HIM THE MAGISTERIUM OF THE CHURCH, AN UNDER-
STANDING OF NATURAL LAW THAT IN NO WAY
CORRESPONDS TO THE CHURCH'S UNDERSTANDING OF IT.
(Quoted by Rowland, pg. 123)

IS IT ANY WONDER THEN, WHEN WE CONSIDER CERTAIN SALIENT
FACTS ABOUT THE CATHOLIC CHURCH TODAY, THAT SHE FACES CERTAIN
SERIOUS PROBLEMS? THESE FACTS INCLUDE:

- THAT THERE ARE THEOLOGIANs TEACHING FALSE
DOCTRINE WITHIN SEMINARIES, ESPECIALLY IN REGARD
TO THE CHURCH'S MORAL TEACHINGS;
- THAT THE CHURCH'S POSITION ON NATURAL LAW
THEORY IS MISUNDERSTOOD BY SCHOLARS WHO ARE
WRITING IN THE POPULAR MEDIA; AND
- THAT NATURAL LAW THEORY IS NO LONGER TAUGHT IN
COLLEGES AND UNIVERSITIES AND, THEREFORE, NO
LONGER UNDERSTOOD BY EDUCATED CATHOLIC LAITY.

IT IS INTERESTING TO NOTE THAT THE LATE WALTER LIPPMAN, THE DISTINGUISHED POLITICAL PUNDIT WHO WAS NEITHER A CHRISTIAN NOR A THEOLOGIAN, WRITING IN 1955 HAD THIS TO SAY ABOUT NATURAL LAW:

IN THE SIMPLE AND RELATIVELY HOMOGENEOUS SOCIETY OF THE 18TH CENTURY NATURAL LAW PROVIDED THE PRINCIPLES OF A FREE STATE. BUT THEN THE MODE OF SUCH THINKING WENT OUT OF FASHION. IN THE NINETEENTH CENTURY LITTLE WAS DONE TO REMIND THE OLD IDEAS. THEY WERE REGARDED AS OBSOLETE AND FALSE, AS HOSTILE TO THE RISE OF DEMOCRACY, AND THEY WERE ABANDONED TO THE REACTIONARIES. THE GREAT FRAME OF REFERENCE TO THE RATIONAL ORDER WAS MISSING. (Lippmann, The Public Philosophy, pg. 85.)

LIPPMANN ARGUES THAT OUR ABANDONMENT OF NATURAL LAW THEORY HAS SERIOUS POLITICAL CONSEQUENCES. OUR BASIC DOCUMENTS, I.E., THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION, ARE NATURAL LAW DOCUMENTS. THUS, WE ARE IN THE POSITION OF HAVING FOUNDATIONAL DOCUMENTS THAT WERE WRITTEN FROM A NATURAL LAW POSITION BEING READ AND INTERPRETED BY THOSE WHO ARE COMPLETE STRANGERS TO THAT POSITION.

JOHN COURTNEY MURRAY, S.J. AGREES WITH LIPPMANN IN BOTH THE THESIS THAT OUR GOVERNMENT WAS FOUNDED IN THE NATURAL LAW TRADITION, AS WELL AS THE THESIS THAT MANY OF OUR PROBLEMS ARISE FROM OUR AMNESIA ABOUT THAT POSITION. MURRAY WRITES:

BECAUSE IT WAS CONCEIVED IN THE TRADITION OF NATURAL LAW THE AMERICAN REPUBLIC WAS RESCUED FROM THE FATE, STILL NOT OVERCOME, THAT FELL UPON THE EUROPEAN NATIONS, IN WHICH CONTINENTAL LIBERALISM, A DEFORMATION OF THE LIBERAL TRADITION, LODGED ITSELF.... (Murray, We Hold These Truths: Catholic Reflections on the American Proposition, pg. 31)

BOTH LIPPMANN AND MURRAY SAW CLEARLY THAT WHAT CONTINUED TO HOLD OUR COUNTRY TOGETHER WAS A BASIC RESPECT FOR LAW, A RESPECT THAT WAS BUILT UPON THE ENGLISH COMMON LAW TRADITION THAT HAD ITS ROOTS IN MEDIAEVAL CHRISTIAN EUROPE. THIS LAW WAS A UNIVERSAL LAW BINDING UPON EACH AND EVERY PERSON. IT WAS A LAW ABOVE NATIONS, KINGS AND POPES, AND ULTIMATELY HAD ITS AUTHORITY FROM THE CREATOR HIMSELF. THEY ALSO SAW THE WANING OF THIS TRADITION AND THE DIRE CONSEQUENCES THEREOF. AS IDEAS ANTITHETICAL TO THE CHRISTIAN INTELLECTUAL TRADITION BEGAN TO TAKE HOLD, DIVISIVENESS BEGAN TO APPEAR.

POLITICALLY SPEAKING, THE LOSS OF THE NATURAL LAW TRADITION HAS NOW MADE THE INTERPRETATION OF THE CONSTITUTION AN ARBITRARY EXERCISE. CANDIDATES FOR THE SUPREME COURT ARE NOW INTERROGATED AS TO WHERE THEY STAND: ARE THEY STRICT CONSTRUCTIONISTS OR DO THEY HAVE A MORE PROGRESSIVE VIEW OF INTERPRETATION? AND, AS JUSTICE THOMAS FOUND OUT, WOE TO THE PERSON WHO MENTIONS NATURAL LAW.

THE EDITORS OF THE JOURNAL *FIRST THINGS* LEARNED HOW DEEP WAS THE DIVIDE WHEN THEY PUBLISHED IN THE NOVEMBER, 1996 ISSUE THE TALKS FROM A SYMPOSIUM ON THE TOPIC “THE END OF DEMOCRACY? THE JUDICIAL URSURPATION OF POLITICS.” AT THE HEART OF THE DEBATE WAS THE QUESTION: DID THE MAJORITY OF THE COURT INTERPRET THE CONSTITUTION ACCORDING TO THE INTENTION OF THE ORIGINAL FRAMERS, OR DID THE MAJORITY HOLD THAT THE CONSTITUTION MEANT NO MORE OR LESS WHAT THEY SAID IT DID? ROBERT BORK QUOTED JUSTICE SCALIA AS SAYING: “DAY BY DAY, CASE BY CASE {THE COURT} IS BUSY DESIGNING A CONSTITUTION FOR A COUNTRY I DO NOT RECOGNIZE.” (Robert H. Bork, “Our Judicial Oligarchy.” The End of Democracy? The Judicial Usurpation of Politics. Spence Publishing Co., Dallas, 1997, pg 10.)

ALTHOUGH THE MAJORITY OF THE PUBLIC ARE FOR THE MOST PART OBLIVIOUS OF THE CULTURAL WARS RAGING AROUND THEM, THEY ARE NONETHELESS AFFECTED BY THEM. WHEN A LANDLORD, WHO HAPPENS TO BE A DEVOUT CHRISTIAN, LEARNS THAT HE MUST RENT AN APARTMENT TO A GAY COUPLE OR BE SUED FOR DISCRIMINATION, HE KNOWS THAT THE COUNTRY HAS SOMEHOW CHANGED, AND FROM HIS POINT OF VIEW, NOT FOR THE BETTER. WHEN A WHITE, MALE, CHRISTIAN STUDENT IN A COURSE ON “CULTURAL DIVERSITY” AT THE STATE

UNIVERSITY SAYS IN CLASS THAT HE CONSIDERS HOMOSEXUALITY IMMORAL AND SINFUL AND IS CHARGED WITH A HATE CRIME BY HIS PROFESSOR, HE KNOWS THAT HE IS A LONG WAYS FROM HIS HOMETOWN. THERE ARE LIMITS TO FREE SPEECH ON MANY CAMPUSES. AN ALUMNUS OF THIS COLLEGE WHO RECENTLY GRADUATED FROM ONE OF THE STATE'S PRESTIGIOUS LAW SCHOOLS, TOLD ME THAT HE LEARNED EARLY ON THAT WHEN MATTERS SUCH AS ABORTION, GAY RIGHTS, EUTHANASIA OR GENDER EQUALITY CAME UP HE KEPT HIS MOUTH SHUT BECAUSE HE WANTED TO GRADUATE.

I EMPHASIZE THE NATURAL LAW TRADITION FROM THE CONVICTION THAT WITHOUT IT THERE IS NO WAY TO FORMULATE AN ETHICS BASED UPON ABSOLUTE, UNCHANGING, UNIVERSAL MORAL PRINCIPLES THAT ARE GROUNDED IN REALITY. THE PREMISES OF THE NATURAL LAW ARE QUITE SIMPLE: THERE IS A CREATOR, THE UNIVERSE IS INTELLIGIBLE AND MAN IS INTELLIGENT. RICHARD WEAVER PUT THE MATTER THIS WAY:

THE ISSUE ULTIMATELY INVOLVED IS WHETHER THERE IS A SOURCE OF TRUTH HIGHER THAN, AND INDEPENDENT OF MAN; AND THE ANSWER TO THE QUESTION IS DECISIVE FOR ONE'S VIEW OF THE NATURE AND DESTINY OF HUMANKIND. THE PRACTICAL RESULT OF NOMINALIST PHILOSOPHY IS TO BANISH THE REALITY WHICH IS PERCEIVED BY THE INTELLECT AND TO POSIT AS REALITY THAT WHICH IS PERCEIVED BY THE SENSES. WITH THIS CHANGE IN THE AFFIRMATION OF WHAT IS REAL, THE WHOLE OPERATION OF CULTURE TAKES A TURN, AND WE ARE ON THE ROAD TO MODERN EMPIRICISM. (Weaver, Ideas Have Consequences, pg. 3)

IT IS NOW QUITE OBVIOUS TO MOST EVERYONE THAT WHAT WEAVER SAW IN THE LATE 40'S THAT "...THE WHOLE OPERATION OF CULTURE TAKES A TURN," HAS COME TO PASS. OUR CULTURE HAS BECOME ONE OF RELATIVISM AND TOLERANCE FOR ALL EXCEPT THE ABSOLUTIST. REALITY IS NOT INTELLIGIBLE, IT IS SIMPLY MEASURABLE. A DISTINGUISHED MOLECULAR BIOLOGIST, DEAN HAMER, IN AN ARTICLE IN THE CHARLOTTE OBSERVER RECENTLY (Oct. 4, pg. 17a "Are We Born With a God Gene?):SAID THAT "SPIRITUALITY IS ONE OF OUR BASIC HUMAN INHERITANCES. IT IS, IN SHORT, AN INSTINCT –ROOTED IN A "GOD GENE" FOLDED DEEP IN THE INTRICATE STRANDS OF OUR DNA." IN FACT, PROFESSOR HAMER HAS DEVISED A WAY TO MEASURE OUR SPIRITUALITY. "FOR THIS," HE SAYS, "I USED A SCALE CALLED "SELF-TRANSCENDENCE" ... WHICH PROVIDES A NUMERICAL MEASURE OF PEOPLE'S CAPACITY TO REACH OUT BEYOND THEMSELVES, TO SEE EVERYTHING IN THE WORLD AS PART OF ONE GREAT TOTALITY."

HE DOES ADD SOMETHING THAT I CAN QUITE AGREE WITH. HE SAYS "THIS MIGHT SOUND A LITTLE BIT FLAKY TO SOME PEOPLE, BUT IT PASSES THE TEST FOR A SOLID PSYCHOLOGICAL TRAIT." ONE IS REMINDED OF DR. THOMAS MORE AND HIS LAPSOMETER IN WALKER PERCY'S NOVEL LOVE IN THE RUINS. DR. MORE MUSES: "WITH IT, MY LITTLE INVENTION, ANY DOCTOR CAN PROBE THE VERY SECRETS OF THE SOUL, DIAGNOSE THE

MALADIES THAT POISON THE WELLSPRING OF MAN'S HOPE." (Cited by Wadell, pg. 27)

THE QUESTION THAT I MUST ASK IS THIS: WHY WOULD A RESPECTED NEWSPAPER PUBLISH ON ITS OP-ED PAGE AN ARTICLE IN WHICH AN ADMITTED MATERIALIST WRITES ABOUT SPIRITUALITY? I THINK THAT THE ANSWER IS THAT IN OUR CULTURE THE SCIENTIST HAS BECOME THE ONLY PERSON WHO IS CONSIDERED CAPABLE OF PRESENTING THE TRUTH, PROVIDING THAT THE TRUTH CAN BE REDUCED TO SOMETHING MEASURABLE. AS WEAVER OBSERVED MANY YEARS AGO, WE HAVE CONFUSED TRUTH WITH FACTS. THE STATEMENTS "IT IS TRUE" AND "IT IS A FACT" HAVE BECOME INTERCHANGEABLE STATEMENTS. WE FORGET THAT FACTS CAN CHANGE, BUT TRUTH CANNOT.

ANOTHER QUESTION THAT MUST BE ASKED IS: HOW MANY GULLIBLE READERS WILL ACCEPT HAMER'S ARGUMENT AT FACE VALUE AND THINK THAT WE ARE "HARD-WIRED" TO BELIEVE IN GOD? AND HOW MANY GULLIBLE COLLEGE STUDENTS IN PROFESSOR HAMER'S CLASSES WILL TAKE THIS FLAKINESS AS THE LATEST SCIENTIFIC GOSPEL?

IF I AM CORRECT IN SAYING THAT THE NATURAL LAW TRADITION IS FUNDAMENTAL NOT ONLY TO A SOUND ETHICAL SYSTEM, BUT ALSO TO A WORKABLE POLITICAL SYSTEM, AND WE HAVE ABANDONED THAT TRADITION, WHAT DOES THE FUTURE HOLD. HOW LONG BEFORE WE COMPLETELY SQUANDER OUR NATURAL LAW PATRIMONY?

THAT IS A LARGE QUESTION AND I AM ONLY GOING TO DEAL WITH ONE ASPECT OF IT. HOW DOES THE LOSS OF THE NATURAL LAW DOCTRINE AFFECT AMERICAN CATHOLICS? BECAUSE IT IS ONE OF THE BASES OF CATHOLIC MORAL TEACHING, IT FOLLOWS THAT ONE WHO IS IGNORANT OF NATURAL LAW THEORY WILL BE IGNORANT OF THE REAL IMPORT OF THE CHURCH'S MORAL TEACHING.

WE FIND THE RESULTS OF THIS MANIFEST IN MANY WAYS:

- (1) MANY CATHOLICS THINK THAT THE CHURCH'S POSITION ON ARTIFICIAL BIRTH CONTROL, ABORTION, EUTHANASIA, HOMOSEXUALITY AND STEM-CELL RESEARCH – TO NAME THE MORE IMPORTANT ONES – ARE SIMPLY “CATHOLIC DOCTRINE.” AND THE CHURCH CAN “CHANGE WITH THE TIMES” AS IT IS SOMETIMES QUAINLY PUT. THEY DO NOT UNDERSTAND THAT THE CHURCH'S MORAL TEACHINGS, WHEN GROUNDED IN SCRIPTURE AND NATURAL LAW, APPLY TO EVERYONE, NOT JUST CATHOLICS. ABORTION IS NOT WRONG BECAUSE THE CHURCH SAYS THAT IT IS; RATHER ABORTION IS WRONG AND THEREFORE THE CHURCH SO STATES.
- (2) MANY AMERICAN CATHOLICS HAVE BEEN GREATLY INFLUENCED BY OUR CULTURE'S SECULAR VALUES THAT ARE OUR INHERITANCE FROM THE ENLIGHTENMENT. HERE I REFER TO SUCH

CONCEPTS AS AUTONOMOUS REASON, THE AUTHORITY OF THE INDIVIDUAL CONSCIENCE, THE ABSOLUTE VALUE OF CHOICE, AND FREEDOM DEFINED AS BEING ABLE TO DO AS ONE WANTS, NOT AS ONE OUGHT. THIS RESULTS IN THE VIEW THAT EACH CATHOLIC IS FREE TO CHOOSE FROM AMONG THE CHURCH'S TEACHINGS THOSE TO WHICH HE WISHES TO SUBSCRIBE AND THOSE WHICH HE WISHES TO IGNORE. THIS WE MAY CALL THE GREAT AMERICAN HERESY.

(3) IN THE POLITICAL ARENA WE HAVE THOSE CATHOLIC POLITICIANS WHO SUBSCRIBE TO "CUOMOISM," A DOCTRINE NAMED AFTER THE FORMER GOVERNOR OF NEW YORK MARIO CUOMO, WHICH STATES THAT ALTHOUGH PERSONALLY I THINK IT IS WRONG (WHATEVER "IT" MAY BE, USUALLY ABORTION) I WILL NOT IMPOSE MY MORAL VIEWS ON OTHERS. THIS IS A VARIATION OF THE IDEA IN (1) THAT THE CHURCH'S MORAL TEACHINGS APPLY ONLY TO CATHOLICS AND NOT TO ALL.

I AM SURE THAT YOU HAVE ALL READ THE RESULTS OF POLLS THAT SHOW THAT MANY CATHOLICS DO NOT AGREE WITH THE POSITION OF THEIR CHURCH ON A VARIETY OF ISSUES. USUALLY THE MEDIA VIEW THIS AS THE CHURCH BEING OUT OF TOUCH WITH ITS MEMBERS. I WOULD SUGGEST THAT THE MEMBERS ARE OUT OF TOUCH WITH THE CHURCH.

DAVID CARLIN IN HIS BOOK THE DECLINE AND FALL OF THE CATHOLIC CHURCH IN AMERICA (Sophia Institute Press, Manchester, NH, 2003)

CITES WHAT WOULD SEEM TO BE RATHER STARTLING STATISTICS.

IN THE YEAR 2000, THE PERCENTAGE OF LAY RELIGIOUS TEACHERS IN CATHOLIC ELEMENTARY SCHOOLS WHO AGREED WITH THE CHURCH'S OFFICIAL TEACHING ON THE FOLOWING POSITIONS: CONTRACEPTION, 10 PERCENT; ABORTION, 26 PERCENT; INFALLIBILITY OF THE POPE, 27 PERCENT; AN EXCLUSIVELY MALE PRIESTHOOD, 33 PERCENT, THE REAL PRESENCE, 63 PERCENT; LIFE AFTER DEATH, 74 PERCENT; THE RESURRECTION, 87 PERCENT; AND THE EXISTENCE OF GOD, 98 PERCENT. (Carlin, pg. 390)

IT IS CLEAR FROM THESE STATISTICS THAT THERE IS A BROAD SEPARATION BETWEEN MORAL ISSUES, DOCTRINAL ISSUES, AND THE BASIC CONTENT OF FAITH, WITH THE LATTER HAVING THE HIGHEST LEVEL OF ALLEGIANCE, AND THE MORAL ISSUES THE LOWEST. THIS IS EXACTLY WHAT POPE JOHN PAUL II WARNED ABOUT IN VERITATIS SPLENDOR: YOU CANNOT SEPARATE ISSUES OF FAITH FROM ISSUES OF MORALITY.

MY CONCLUSION THEN IS THAT THERE HAS DEVELOPED WITHIN THIS COUNTRY A CULTURE THAT CAN BE CALLED AMERICAN CATHOLICISM AS OPPOSED TO ROMAN CATHOLICISM. IT IS A CULTURE MUCH CLOSER TO MAINLINE PROTESTANISM THAN IT IS TO ORTHODOX ROMAN CATHOLICISM.

WHAT DOES THE FUTURE HOLD? THE LOGIC OF THE MATTER, WHICH HAS NO CLAIM ON REALITY, WOULD BE THE ESTABLISHMENT OF A

SEPARATE AMERICAN CATHOLIC CHURCH. IT WOULDN'T LAST LONG, IN MY OPINION, BECAUSE AS A RELIGION OF CONVENIENCE, ITS ADHERENTS WOULD FIND ANY RULES OR REGULATIONS THAT WERE INCONVENIENT SUFFICIENT REASON NOT TO BELONG ANY LONGER.

A SECOND POSSIBILITY WOULD BE THAT AMERICAN CATHOLIC BISHOPS AND PASTORS WOULD BEGIN TO PROCLAIM FROM THE PULPIT THE ORTHODOX TEACHINGS OF THE ROMAN CATHOLIC CHURCH AND LET THOSE WHO WISH TO STAY WITHIN THAT CHURCH TO DO SO, AND THOSE WHO DON'T, FIND A CHURCH OF THEIR OWN CHOOSING.

AFTER ALL, CHOICE, UNCONNECTED TO OBLIGATION, RESPONSIBILITY OR DUTY, SEEMS TO HAVE BECOME THE OPTIMAL AMERICAN VALUE.

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The Bradley Institute
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The Weaver/Ingersoll Symposium
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