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BOOK REVIEW

ROBERT GEORGE'S *THE CLASH OF ORTHODOXIES: LAW, RELIGION, AND MORALITY IN CRISIS*

Jeffrey C. Tuomala[†]

I. INTRODUCTION

Although Robert George's book *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis*¹ was published several years ago, it has continuing significance and particular interest for those teaching and studying at Liberty University School of Law.

George believes that Western civilization's real clash is not an external one against the Islamic world or the Confucian East. Rather, it is an internal clash between the Judeo-Christian worldview and secularist orthodoxy.² He states that this internal clash has been falsely cast as a clash between faith and reason.³ By *faith* George means belief in divine revelation or other religious authority and by *reason* he seems to mean non-religious philosophy.⁴ George asserts that secularists are mistaken in their claims that the Christian worldview is defensible only on the basis of faith and that only the defense of secularism is based on reason.⁵ George believes that there are basic starting assumptions that contending orthodoxies hold in common and from which both Christians and secularists can reason. He sets for himself the primary task of proving that the Christian worldview, and especially certain of its moral values, can be proved superior by reason, in particular "publicly accessible reasons," without appeal to divine revelation.⁶

There has been something of a natural law revival among more traditional Catholics and also a growing interest in natural law (usually vaguely defined) among evangelical Christians. Professor George is among the leading contemporary proponents of natural law jurisprudence in the Roman Catholic tradition. Most students and professors at Liberty University School of Law,

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1. ROBERT P. GEORGE, *THE CLASH OF ORTHODOXIES: LAW, RELIGION, AND MORALITY IN CRISIS* (2001).

2. *Id.* at 3. George seems to use the terms "orthodoxies" and "worldviews" interchangeably. See, e.g., *id.* at 3-4.

3. *Id.* at 4.

4. See *id.* at 4, 304-05.

5. *Id.* at 4.

6. *Id.* at 7.

in common with George, see the clash between Christian and secularist worldviews as a basic dynamic in modern society. They generally share the belief that a major source of crisis in law, religion, and morality is the decline of adherence to the Christian worldview and failure of Christians to live consistently with that worldview. George encourages fellow Catholics to recognize that evangelical Christians are their "true friends" in the culture wars, particularly those battles waged in defense of life.⁷

Students and faculty at Liberty desire to offer a reasoned defense of what they understand to be the Christian worldview, a defense that instructs and strengthens those within the faith. They also hope to persuade secularists of the truth of the Christian worldview and its moral values. It is no secret that differences exist within Christendom, not only between Catholics and Protestants but also among Protestants, which determine their understanding of the Christian worldview, its authoritative sources, and the proper means of defending it. Facially, there is a tension between Professor George's natural law methodology of defending the "Christian worldview" without an appeal to revelation and the Liberty University School of Law Mission Statement, which states that the school "exists to equip future leaders in law with superior legal education in fidelity to the Christian faith expressed through the Holy Scriptures." Given the many historical differences among Christians as to the proper means of offering an apology for the Christian faith,⁸ it should not be surprising that these differences should also arise when the apologetic task is extended to defending the Christian worldview as it applies to questions of public policy, law, and government.

One of the weaknesses of *The Clash of Orthodoxies* is that it does not clearly define what components comprise a worldview. It is fair to assume that worldview essentials include positions on metaphysics,⁹ epistemology,¹⁰ and morals.¹¹ Metaphysics and epistemology have a certain primacy over morals. The way in which one reasons about morals and, in large measure, the particular moral positions one holds logically follow from one's metaphysics and epistemology. Conversely, extreme moral differences

7. *Id.* at 296.

8. See CORNELIUS VAN TIL, *THE REFORMED PASTOR AND MODERN THOUGHT* 1-36 (1971) for an evaluation of the major Roman Catholic and Protestant approaches.

9. Metaphysics is that branch of philosophy that deals with questions of being or the ultimate nature of reality. Topics include the nature of man and the issues or antinomies between free will and determinism, and universals and particulars.

10. Epistemology deals with theories of knowledge and offers answers to the question, "How do we know?"

11. Morals deal with the questions of duties and the rightness or wrongness of actions.

among people are fairly strong indicators that fundamental differences of metaphysics or epistemology exist among them.

George draws a sharp contrast between Christian and secularist worldviews on several important moral issues, including abortion and euthanasia. He goes so far as to contrast these orthodoxies as the "culture of life" and the "culture of death."¹² In terms of epistemology, however, George makes no necessary distinction between proper Christian reasoning and secularist reasoning about public issues.¹³ George not only believes that it is unnecessary to appeal to revelation or other religious authority in philosophical debate over public issues; he apparently believes that it is wrong to do so.¹⁴ He believes that the clashing orthodoxies share an epistemology based on the autonomy of human reason.¹⁵ Although George draws certain distinctions between Christian and secularist metaphysics,¹⁶ he ignores the most basic factors that distinguish the Christian worldview from all others—that God alone as Creator is independent and self-contained and that all men as creatures stand in a personal relationship with Him either as covenant keepers or covenant breakers. George sharply contrasts secularist and Christian views of human nature in some respects, and he repeatedly makes those differences foundational to his moral arguments regarding sexual morality and the sanctity of life. He also builds a case that secularist errors regarding human nature entail a denial of free will¹⁷ and objectivity of morals values;¹⁸ however, he offers no satisfying resolution to the basic antinomy between free will and determinism that every worldview must try to resolve.

George's argument in defense of certain moral positions is built entirely upon man's understanding of himself, without appeal to God's revelation and without reference to the fact that man is personally accountable to God, who is his Creator and Judge. Because George does not make the doctrine of creation central to his argument, and because his epistemology in relation to public issues does not differ from that of secularists, the debate is more of a hard-fought intramural sparring match than a clash of orthodoxies. This is not to minimize the significance of the differences between orthodoxies on life and marriage issues that George addresses; however, his neglect of the

12. GEORGE, *supra* note 1, at 39-40, 132.

13. *See id.* at 169 ("The natural law is . . . a law that is in principle accessible to human reason and not dependent on . . . divine revelation.")

14. *Id.* at 63-64.

15. *Id.* at 37.

16. *Id.* at 20, 34-36.

17. *Id.* at 16-18.

18. *Id.* at 18-19.

Creator-creature distinction makes it more difficult to offer a reasoned explanation for those differences, given the metaphysical and epistemological similarities of the competing orthodoxies.

Christian metaphysics and epistemology go hand in hand, and they differ from those of all other worldviews. Only in Christianity does a clear metaphysical distinction stand between the Creator and His creation.¹⁹ God alone is independent and self-sufficient, and He alone has exhaustive knowledge of the universe. There is no self-interpreting factuality or law; they can be truly known only as God interprets and reveals them. No natural law exists or reveals itself independently of God or is equally ultimate with Him. All men are dependent upon God for their knowledge of the universe, and God reveals Himself and His basic moral standards to all men through the created order external to man and also in each individual's conscience.²⁰ Evangelical Christians usually refer to this as general revelation.²¹ Through general revelation, all persons know God's basic moral law, and they know that they stand judged for violating it.²² No one, not even the most zealous secularist, is without knowledge of God as both Creator and Judge.

Although God's law is clearly revealed to all men, they suppress and distort it, and in their disobedience, they are increasingly given over to sin and eventually become blind to it.²³ Though man is created in the image of God, his whole nature, including his powers of reason, is corrupted as a result of the Fall.²⁴ Even before man's Fall into sin and the resulting corruption of his intellect, affections, and will, he needed special revelation.²⁵ Since the Fall, all men are in desperate need of the special revelation provided in Scripture.²⁶ This special revelation expressly sets out moral standards.²⁷ Moreover, the Gospel is contained only in this special revelation, and preaching of the Gospel is the appointed instrument of salvation.²⁸ The

19. "A doctrine which was not developed by pagan thinkers, but which was held by Augustine in common with other Christian writers, was that of the creation of the world out of nothing by God's free act." 2 FREDERICK COPLESTON, *A HISTORY OF PHILOSOPHY* 74 (1950).

20. See *Psalms* 19; *Romans* 1:18-20; 2:15. All biblical citations are to the New International Version.

21. See VAN TIL, *supra* note 8, at 4-8.

22. See *Romans* 1:32.

23. See *Romans* 1:21-25.

24. See *Romans* 3:10-18. Compare man's condition as described in *Romans* 8:6-8 with his condition as described in *Romans* 12:2.

25. See, e.g., *Genesis* 1:28.

26. See *Romans* 7:7.

27. See, e.g., *Matthew* 5:21-7:16; 22:37-40.

28. See *Romans* 10:14-17.

power of the Holy Spirit restores men to life spiritually and converts them from the status of covenant breakers to covenant keepers.²⁹ These essential tenets are missing from George's treatment of the Christian worldview and its clash with secularism. Only with these Christian worldview correctives can the deficiencies of belief regarding human nature, free will, and objectivity, which George rightly charges to secularism's account, be remedied.³⁰ And only by acknowledging these correctives can one understand why so many would choose the culture of death over life and why autonomous human reason is not the sword of truth³¹ appointed to win this clash.

George arranges the fifteen chapters of *The Clash of Orthodoxies* in three sections: "The Public Square," "The Courts," and "The Church." Each section deals with discourse in one of these forums. Because the chapters were written essentially as stand-alone essays or separately published articles, the book is sometimes redundant and does not systematically develop the basic theses. Recurrent themes include two complexes of related moral issues. The first complex I refer to as "life issues," primarily involving abortion, but also infanticide, euthanasia, and assisted suicide. George gives these issues great attention in all three sections. The second complex I refer to as "marriage issues," including homosexual marriage, non-marital and extramarital sex, and pornography. These issues comprise the greatest portion of Section One and one chapter of Section Three. The relationship between faith and reason is also a dominant theme.

II. SECTION ONE—THE PUBLIC SQUARE

In Section One (Chapters One through Six), George argues for the Christian view of marriage and for the right to life of unborn children. The first chapter provides a fairly comprehensive overview of his defense of life and marriage by appeal to reason only. The chapter also provides an overview of his critique of the secularists' view of human nature and resulting errors regarding free choice and objectivity of morals that result from that view. The next three chapters give more expansive treatment of three themes introduced in Chapter One—the right to life, in particular the right of the unborn; the proper way to argue in the public square, from reason without appeal to revelation; and the defense of marriage as one man and one woman. Chapters 5 and 6 then treat the problem of pornography.

In Chapter One, George identifies several issues over which Christian and secularist morality clash. In addition to the life and marriage issues, he

29. See *Romans* 9:25; *Revelation* 21:3.

30. VAN TIL, *supra* note 8, at 76-77, 86-87.

31. See *Ephesians* 6:17 ("Take . . . the sword of the spirit, which is the word of God.").

highlights the conflict over “the place of religion and religiously informed moral judgment in public life.”³² George develops this point to a limited degree, stating that

orthodox secularism stands for the strict and absolute separation of not only church and state, but also faith and public life: no prayer . . . in public schools; no aid to parochial schools; no displays of religious symbols in the public square; no legislation based on the religiously informed moral convictions of legislators or voters.³³

George does not demonstrate how reason would establish the Christian worldview perspective on these public-life matters in the manner that he does regarding the life and marriage issues. It would be extremely interesting, for example, to see how reason and natural law stake out the jurisdictional boundaries between church and state, given that the church as the body of Christ has a particular mission in the world and operates not in the realm of nature but of grace. It seems that, for George, the Church’s nature, purpose, and jurisdictional authority would be known only by revelation. Likewise, it would be instructive for George to demonstrate how reason and natural law justify the placement of education within the jurisdiction of the state. He further describes the secularist view:

Secularism aims to privatize religion altogether, to render religiously informed moral judgment irrelevant to public affairs and public life, and to establish itself, secularist ideology, as the nation’s public philosophy.

. . . Secularists are in favor of a “religious freedom” that allows everyone to believe as he wishes, but claims based on this “private faith” must not be the grounds of public policy. Policy must be based on what secularists have lately come to call “public reason.”³⁴

George’s criticism of the secularist view that the voice of faith and religion should be excluded from the public square creates an apparent conflict with a basic thesis of his book—that Christian morality can be vindicated by reason and that appeals should not be made to religious authority. In Chapter Three, “God’s Reasons,” George says that appeals to religious authority rather than

32. GEORGE, *supra* note 1, at 4.

33. *Id.* at 6.

34. *Id.* at 6-7.

public reason have no place in “philosophical debates about public policy.”³⁵ Instead, he says, “I believe that public policy should be based on ‘public reasons.’ . . . [This] idea . . . strikes me as, well, reasonable.”³⁶ He does not explain whether his assertions are based on self-evident truth, revealed truth, or something else.

On the one hand, George faults secularists for wanting to exclude religiously informed moral judgments from public life and to limit the discussion to “public reasons,” while on the other hand, he states that it is reasonable to limit public debate to “public reasons” and that appeals to religious authority have no place in those debates. This confusion for the reader recurs throughout the book. For example, in Chapters Seven and Eight under the section titled “The Courts,” he deals extensively with Papal encyclicals in making the point that human laws contrary to natural law are not law and that there is a duty to oppose or even resist them.³⁷ In Chapters Twelve and Fourteen, in the section titled “The Church,” George deals with the failure of Catholic public officials and other laymen to submit to the teaching authority of the church’s magisterium, particularly on the issue of abortion.³⁸

George’s reasoned defense of the superiority of the Christian view on life issues is two-pronged. The first prong is based primarily on the assertions that life is intrinsically good,³⁹ that the human person is a dynamic unity,⁴⁰ and that all human life is equal in value.⁴¹ The second prong of his defense has two parts. The first part is that the secularist position “makes nonsense of the experiences all of us have in our activities of being dynamically unified actors.”⁴² The second part demonstrates that the secularist view of human nature entails a denial of free choice⁴³ and undermines the objectivity of morality and human rights.⁴⁴

George begins his defense of the Christian view with the central proposition “that human life is intrinsically, and not merely instrumentally,

35. *Id.* at 63.

36. *Id.*

37. *Id.* at 131-35.

38. *Id.* at 253-58, 297-302.

39. *Id.* at 4, 8, 14.

40. *Id.* at 9.

41. *Id.* at 14.

42. *Id.* at 9-11.

43. *Id.* at 17.

44. *Id.* at 18-19.

good and therefore morally inviolable."⁴⁵ George states that knowledge of the truth that life is intrinsically good "does not presuppose Christian faith" but is known by "rational, self-critical reflection."⁴⁶ It is not clear what "rational, self-critical reflection" is, but certainly he wants to avoid falling into the subjectivism of Cartesian rationalism.⁴⁷ The intrinsic goodness of life and marriage appear to be self-evident truths that are starting points in the reasoning process and thus neither require, nor are amenable to, demonstrable proof.⁴⁸

In large measure, George's defense of the proposition that human life is intrinsically good is based on his critique of the secularist view of the nature of man, which "entails a metaphysical dualism of the person and the body."⁴⁹ Stated another way, the secularist believes that "the 'person' is the conscious and desiring 'self' as distinct from the body which may exist (as in the case of pre- and post-conscious human beings) as a merely 'biological,' and, thus, sub-personal, reality."⁵⁰ Thus, if a terminally ill "self" or "person" no longer desires to be burdened by a body, the self may exit the body (suicide).⁵¹ Logically, pre-conscious (unborn child) and post-conscious (comatose adult) humans, having only bodies and not selves, may be aborted or euthanized.⁵² George traces this false view of the duality of human nature to Hume, who famously wrote: "Reason is and ought only to be the slave of the passions, and may never pretend to any office other than to serve and obey them."⁵³

By contrast, George asserts that the Christian view of the human person is one of "a dynamic unity of body, mind, and spirit."⁵⁴ Thus, it is wrong to kill anyone based on a false dualism between bodily being and personhood.⁵⁵ The Christian view of man additionally espouses the proposition that all men are equal; therefore, their level of consciousness does not change their

45. *Id.* at 4. It appears that George equates "intrinsic good" with "basic human good." *See id.* at 11. He identifies marriage as an intrinsic good and as a basic human good. *Id.* It would seem that life is an equally basic good as marriage.

46. *Id.* at 14-15.

47. *See id.* at 34. Descartes is famous for the maxim "I think, therefore I am." COLIN BROWN, *PHILOSOPHY & THE CHRISTIAN FAITH: A HISTORICAL SKETCH FROM THE MIDDLE AGES TO THE PRESENT DAY* 50-51 (1968). His philosophy "symbolized a retreat into the individual self-consciousness as the one sure starting-point in philosophy." *Id.* at 52.

48. *Cf.* GEORGE, *supra* note 1, at 14.

49. *Id.* at 9.

50. *Id.*

51. *Id.*

52. *Id.* at 41.

53. *Id.* at 15.

54. *Id.* at 9.

55. *Id.* at 8-9.

value.⁵⁶ Like life and marriage, equality appears to be a self-evident truth.⁵⁷ George notes that secularists do not live consistently with their dualistic view of human nature, but operate in their daily lives as if each of them were a dynamic unity.⁵⁸

An important part of George's defense of the Christian worldview is his explanation of how the falsity of Hume's view of human nature necessitates a denial of free choice and undermines objective morality. Hume portrays reason as enslaved to passions, thus making reason merely an instrument to satisfy personal desires.⁵⁹ Reason is therefore not free to determine and choose what is right.⁶⁰ The implication of Hume's view of human nature, as George notes, is that because passions and desires are by their very nature subjective, they can provide no objective basis for morals and human rights.⁶¹

George does not deny the potential of passions to affect the reasoning process, nor does he deny that men often use reason in an instrumental fashion to rationalize what they want to do.⁶² However, he does not believe that reason should be enslaved to passion.⁶³ Rather, George believes that reason has an independent power or motive to identify what is good and to order the passions so that they desire the good.⁶⁴ George writes, "Emotion or passion, when rightly ordered, supports what reason commends and helps us to accomplish the morally good ends that we have basic reasons to pursue."⁶⁵ Free choice, he believes, is premised on the ability to act on reasons not reducible to desire.⁶⁶

George begins his defense of the Christian view of marriage as a "two in one flesh" union of a man and a woman by expressly identifying marriage as "a basic human good."⁶⁷ Marriage, as with life, he writes, is an intrinsic good, not merely an instrumental good.⁶⁸ Because marriage is itself an end, it must not be viewed as a means to other ends such as the procreation of

56. *Id.* at 14.

57. *Id.*

58. *Id.* at 9-10.

59. *Id.* at 15.

60. *Id.* at 16-18.

61. *Id.* at 18-19, 36-37.

62. *Id.* at 16.

63. *Id.*

64. *Id.* at 33, 65.

65. *Id.* at 16.

66. *Id.*

67. *Id.* at 11.

68. *Id.*

children or expression of love.⁶⁹ These truths, George believes, are known by reason and are understandable apart from revelation.⁷⁰

Central to George's analysis of the various issues of sexual morality, including traditional marriage, homosexual marriage, sodomy, adultery, and fornication, is his understanding of human nature as described above. The human person is "a dynamic unity of body, mind, and spirit."⁷¹ In fact, George believes that the psychosomatic unity of the person is a basic human good.⁷² Thus, for the individual, the human body does not exist independently of the person. Marriage involves a dynamic unity of a different sort. Reproductive-type sexual acts in marriage "are the biological matrix of the multi-level (bodily, emotional, dispositional, spiritual) sharing of life and commitment."⁷³ The biological union of the sexual act "consummates and actualizes [the] marriage," the two becoming one flesh.⁷⁴ Because reproduction is the one human activity that cannot be engaged in alone, it has the unique capacity to unite a man and woman in marriage.⁷⁵ The married couple becomes a single organism for reproductive purposes.⁷⁶ Because homosexual relations do not involve reproductive-type sexual acts, it is impossible for those acts to effect a marriage relationship.⁷⁷

At points, George seems to equate reproductive sexual acts with marriage.⁷⁸ However, because he believes that fornication is immoral⁷⁹ and apparently does not effect a marriage between a man and a woman, there must be some additional element essential to a marriage. Presumably, that element is the exchange of vows that a husband and wife make. It is curious that George makes no mention of marriage as a covenantal relationship between a man and a woman. However, it would seem to be the absence of covenantal vows that explains why fornication constitutes immorality and does not effect a marriage. The same rationale would explain why adultery constitutes illegal and immoral behavior and does not effect a polygamous marriage.

69. *Id.* at 12, 80-81.

70. *Id.* at 11.

71. *Id.* at 9.

72. *Id.* at 12.

73. *Id.*

74. *Id.* at 11.

75. *Id.* at 79.

76. *Id.* at 12.

77. *Id.* at 268-69.

78. *See id.* at 78-79 ("[T]he point of sex . . . is *marriage itself*, considered as a bodily ('one-flesh') union of persons consummated and actualized by acts that are reproductive in type.").

79. *Id.* at 102-03.

Whereas, in George's view, marital reproductive-type sexual relations unify two separate persons, all non-marital sexual acts and all non-reproductive sexual acts, even of married couples (e.g., sodomy), result in the self-alienation and disintegration of the person, who is a psychosomatic unity.⁸⁰ These illicit acts effect a disintegration of the person by instrumentalizing sex; i.e., the body is made simply a means to the end of achieving pleasure.⁸¹ Again, basic to George's defense of Christian morality, this time on matters of sexuality, is his rejection of Hume's false depiction of the human body as simply an instrument to maximize pleasure. The psychosomatic integrity of the person is disrupted in sexual acts lacking the common good of marriage, which can be achieved only by marital reproductive-type sexual relations.⁸² Sex within marriage may be sought for pleasure or to share affection, but only as it is engaged in for the good of the marriage can it be intrinsically good.⁸³

Although this book review focuses in large measure on problems with George's articulation and defense of the Christian worldview, certainly evangelical Christians should have no serious disagreements with George's moral conclusions on life and marriage issues, at least to the extent that he addresses them. Abortion, suicide, assisted suicide, and euthanasia are but forms of murder. Non-marital sexual conduct and homosexual conduct are serious violations of morality or even criminal in nature. Homosexual marriage is not even possible. In light of these commonly held moral positions, the epistemological differences between George's understanding of the Christian worldview and the evangelical's understanding might not seem significant, but such is not the case.

There is an intrinsically right starting point from which we should reason and engage the secularist in the public square, but it is not the starting point that George adopts. Scripture teaches that "[t]he fear of the Lord is the beginning of knowledge."⁸⁴ This must be the starting point in all of our reasoning—a recognition of who God is and an understanding of our relationship to Him as creatures who are covenantally bound to Him and governed by His law.⁸⁵ The Christian must begin all of his thinking about law remembering who God is and what He has done—" 'I am the Lord your God, who brought you . . . out of the land of slavery.' "⁸⁶ Furthermore,

80. *Id.* at 12-13, 79.

81. *Id.*

82. *Id.* at 268-69.

83. *See id.* at 12-13, 82.

84. *Proverbs* 1:7.

85. *See Hebrews* 8:10.

86. *Exodus* 20:2; *Deuteronomy* 5:6.

Scripture commands the Christian to “[t]rust in the Lord with all your heart and lean not on your own understanding; in all your ways acknowledge him.”⁸⁷ This includes the way in which the Christian defends the faith and the precepts of morality. When arguing in the public square, the Christian has the model that the Apostle Paul set when debating the Greek philosophers in the meeting of the Areopagus:

“Men of Athens! . . . God who made the world and everything in it is the Lord of heaven and earth. . . . [H]e himself gives all men life and breath and everything else. From one man he made every nation of men [I]n him we live and move and have our being. . . . [H]e commands all people everywhere to repent. For he has set a day when he will judge the world with justice by the man he has appointed. He has given proof of this to all men by raising him from the dead.”⁸⁸

Clearly, the Greeks had never heard anything like this before.⁸⁹ Their response was mixed—some sneered, others wanted to hear more, and some believed.⁹⁰

George commends John Finnis’ approach for engaging in public debate over abortion. He tells us that Finnis and his opponent “did not proceed from ‘incompatible first assumptions.’”⁹¹ Their compatible first assumption was human rationality.⁹² In other words, they started from the assumption of autonomous reason and the assumption that nature, including human nature, is self-interpretive. George, in effect, rejects the proposition that “[t]he fear of the Lord is the beginning of knowledge.”⁹³ He appears to believe something of the opposite—that knowledge of the natural world gained by reason points us to God, who will then reveal Himself if we ask. George’s operative assumption in matters of public policy seems to be that we know in order that we may believe, rather than that we believe in order that we might know.⁹⁴ Accordingly, he writes:

87. *Proverbs* 3:5-6.

88. *Acts* 17:22-31.

89. *Acts* 17:18-21.

90. *Acts* 17:32-34.

91. GEORGE, *supra* note 1, at 68.

92. *Id.* at 68-69.

93. *Proverbs* 1:7.

94. Anselm said, “He who will not believe will not understand.” Letter of Anselm to Pope Urban II, in 10 A SCHOLASTIC MISCELLANY: ANSELM TO OCKHAM 97, 97-98 (Eugene R. Fairweather ed. & trans., 1956).

For my part, I am hopeful that people who come to see that the Humean tradition has been wrong, and that the Judeo-Christian tradition has been right all along, about the possibilities of free choice, rationally motivated action, and objective moral truth, will soon come to the realization that these possibilities point beyond themselves to a more-than-merely-human source of meaning and value, a divine ground of human intelligence and free will who freely discloses Himself to us when we are prepared to open our minds—and hearts—to Him.⁹⁵

As the discussion about morals and natural law moves to issues beyond life and marriage, the significance of these differing views regarding the autonomy of human reason and the necessity of special revelation become more pronounced. For example, George states that “every Catholic should be, as Pope John Paul II himself certainly is[,] an old-fashioned liberal.”⁹⁶ He describes some of the major tenets of this brand of liberalism in Chapter Twelve. These tenets include limited government, private property, market economy, religious liberty, democracy, rule of law, and human rights.⁹⁷ For the most part, he makes no attempt to establish these tenets by the careful reasoning process that he applies to life and marriage issues. In fact, he relies quite heavily on papal and other church teaching without indicating whether those teachings are in turn based on Scripture, tradition, or philosophy.⁹⁸

George’s basic thesis that the Christian worldview on moral issues can be defended without appeal to revelation entails or fosters several fundamental errors. First, George’s worldview entails a faulty understanding of human nature, its capacities and basic disposition after the Fall, and the efficient means of remedying man’s moral error. Second, George’s worldview and his means of defending it promote a tendency to view natural law as inhering in nature in such a way that law is independent of God or even that God is actually dependent on law that inheres in nature.

Differences in epistemology are correlative, at least in part, with differing views of human nature. George’s view that autonomous reason is sufficient to win the day entails errors regarding man’s nature after the Fall and the means God has appointed for countering the effects of the Fall. Although Hume’s view of the duality of human nature is certainly erroneous, and George’s analysis of Hume’s view is to some degree corrective, it is not fully Christian. Because it is not fully Christian, he is not likely to offer an

95. GEORGE, *supra* note 1, at 38.

96. *Id.* at 257.

97. *Id.* at 232.

98. *See id.* at 233–40.

effective remedy. Satisfactory answers must be given to the following questions: Why do secularists draw the wrong conclusions about such fundamental issues as life and marriage? How must secularists change their thinking in order to reason and act rightly?

Although George professes a belief in the doctrine of sin,⁹⁹ his view appears to be more semi-Pelagian than Augustinian. Semi-Pelagians do not view man's affections, will, and reason to be as severely corrupted by Adam's Fall as Augustine taught.¹⁰⁰ They believe that man's reasoning powers in particular were left relatively uncorrupted after the Fall, though reason continues to face the resistance of concupiscence.¹⁰¹ This view of human nature helps to explain why George can describe secularists with whom he clashes and whom he finds responsible for instituting the "culture of death" as being good-willed¹⁰² and honest.¹⁰³ Many secularists, he believes, try their best to reason correctly,¹⁰⁴ and in the case of the cultural elite, they are extremely intelligent.¹⁰⁵ George states that "errors of reason must be responsible for anyone's failure to arrive at the morally correct positions."¹⁰⁶ He lists as possible roots of such errors "[i]gnorance of, or inattention to, certain relevant facts or values," "[p]rejudice or other subrational influences," and "logical failures or other errors in the reasoning process."¹⁰⁷

What is the solution to the problems that lead to errors in reason regarding the most fundamental of all basic human goods—life and marriage? George believes that reason itself provides the motive force for doing what is right, and even though our passions might lead us astray, those passions should be harnessed and molded by reason to desire what is right.¹⁰⁸ Reason itself should be able to direct us to the right ends and presumably be able to motivate us.¹⁰⁹ Is the remedy then simply to drive home the self-referential

99. *Id.* at 16.

100. 2 CHARLES HODGE, *SYSTEMATIC THEOLOGY* 164-73 (Eerdmans 1979) (1873).

101. *Cf.* VAN TIL, *supra* note 8, at 88 (Aquinas' semi-Pelagian theology "holds to a measure of human autonomy"); *id.* at 91-92; HODGE, *supra* note 100, at 171-73.

102. *See* GEORGE, *supra* note 1, at 50, 65-66. George implies that members of civil society in general are good-willed, and this would seem to include his secularist opponents in the debate.

103. *Id.* at 40.

104. *Id.*

105. *Id.* at 39.

106. *Id.* at 54.

107. *Id.*

108. *Id.* at 16.

109. *Id.* at 16, 65.

inconsistencies of secularist thought, pile on more facts, and implore secularists to work harder at reasoning and self-critical reflection?

Perhaps it is helpful to consider the situation of Ronald Dworkin, whose positions George considers and challenges. George identifies Dworkin as one of the most notable liberal political theorists of our day and squarely in the camp of secularist orthodoxy.¹¹⁰ Dworkin has written about and advocated positions in favor of abortion and assisted suicide, which he even labels "choices for death."¹¹¹ Presumably, he is among the good-willed, honest, and striving-to-reason-correctly secularists. Why then is Dworkin not able to understand the intrinsic and equal value of all human life? If reason breaks down for Dworkin, what hope is there for others? If such basic human goods such as life, marriage, equality, and psychosomatic integrity are not demonstrable, how does one get Dworkin to engage in more strenuous and serious "rational, self-critical reflection"?¹¹² Certainly he has seen the facts and considered all the scientific arguments for the life of the unborn, and he is no doubt quite knowledgeable about Hume's dualistic views of human nature, its problems, and its implications regarding free choice and the objectivity of moral values.

There is a different understanding of the Christian worldview from the one that George provides, and it gives a much better explanation of the problem and the remedy. First, Dworkin already does know that all human life is intrinsically good and equally valuable, and he knows that abortion is the intentional killing, indeed the murder, of innocent human beings.¹¹³ He also knows that those who commit abortion are deserving of God's judgment.¹¹⁴ God has plainly revealed this to him not just in Scripture, but in his conscience and through the created order as well.¹¹⁵ Perhaps Dworkin has suppressed and denied that truth to the point that he in some way believes a lie, but the truth is plainly revealed nonetheless. Second, George is wrong to state that Dworkin and other pro-abortionists are honest or good-willed.¹¹⁶ They have clearly exchanged the truth about life and other basic human goods for a lie.¹¹⁷ And, people who favor and promote the removal of protection of law from millions of unborn children cannot possibly be good-

110. *Id.* at 39.

111. RONALD DWORKIN, *LIFE'S DOMINION: AN ARGUMENT ABOUT ABORTION, EUTHANASIA, AND INDIVIDUAL FREEDOM* 3 (1993).

112. GEORGE, *supra* note 1, at 15.

113. *See Romans* 1:28-30.

114. *See Romans* 1:32.

115. *See Romans* 1:18-20; 2:15.

116. *Romans* 3:11-18.

117. *See Romans* 1:25.

willed. Even if George's purpose were simply to keep lines of communication open and conversation civil, these goals can be achieved without distorting the true nature of his opponents' predicament. Secularists promoting the death of unborn children and homosexual marriage are lost in sin. The truth that God has revealed to them they suppress.¹¹⁸ They are enslaved to sin, including their powers of reason. Reason is not simply led astray by passions, and it is not prone to error due simply to its finitude. Its powers are corrupted by the Fall. Right reason begins with the renewal of the mind¹¹⁹ that comes through conversion and regeneration.¹²⁰

George seems to acknowledge that debates are not particularly effective in changing opponents' minds. He says that a debate probably will not lead to a "road-to-Damascus" experience for "people who are deeply committed emotionally to one side or the other."¹²¹ Paul's experience on the road to Damascus was an encounter with Jesus Christ.¹²² All men start out at war with God,¹²³ though some, like Paul, are better educated and more committed to that war.¹²⁴ They reject the truth and they want to upset the created order.¹²⁵ The remedy is radical. It calls for a change of heart.¹²⁶ In every forum where the Apostle Paul appeared—the public square,¹²⁷ the courts,¹²⁸ and the church¹²⁹—he pressed the claims of Christ.

There is a still more basic metaphysical problem with George's defense: he fails to make the Creator-creature distinction fundamental to his thought or at least to his argument. This failure contributes to his belief in the self-sufficiency of autonomous reason as a starting point rather than the fear of the Lord as the starting point of reasoning. A danger that results from this approach is that man will view law as inhering in a kind of "nature" that has an origin and existence independent of the creation decrees of God. It introduces at least the appearance that nature, and by implication human nature, has an equal ultimacy with God. It also introduces a false assurance that the universe is comprehensible to man, at least in part, without God's

118. See *Romans* 1:18.

119. *Romans* 12:2.

120. *Romans* 8:1-17.

121. GEORGE, *supra* note 1, at 69 (alluding to Paul's conversion in *Acts* 9:1-19).

122. See *Acts* 9:3-5, 17.

123. *Romans* 5:10; 8:7.

124. *Acts* 22:2-5.

125. *Romans* 1:21-27.

126. *Ephesians* 3:14-19; *Ezekiel* 36:25-27.

127. *Acts* 17:16-33.

128. *Acts* 26:1-32.

129. *Acts* 20:17-38.

revelation. With the Enlightenment, the cultural elite came to view nature as operating according to laws independently of God's superintending providence.¹³⁰ And, since Darwin, the elite have come to view nature, of which man is no particularly distinct part, as evolving. Therefore, it stands to reason that the laws of nature, if there be such, are changing as well.¹³¹

George offers a further commendation for the manner in which John Finnis debated the issue of abortion. George states that even though Finnis believes that life begins at conception and in each case is created by God, "his argument never invoked, much less did it 'start from a belief in the direct agency of a personal God.'"¹³² The implication is that man can reason rightly and have true knowledge of the world because man and nature are in part independent of God. George's own language could be taken, or mistaken, as promoting a view of natural law that is independent of God and that equally binds God and man. He writes:

But most pro-life advocates see abortion as a sin against God precisely because it is the unjust taking of innocent human life. That is their reason for opposing abortion; and that is God's reason, as they see it, for opposing abortion and requiring that human communities protect their unborn members against it. And, they believe, as I do, that this reason can be identified and acted on even independently of God's revealing it.¹³³

Although marriage is inherently one man and one woman, and life may not be forfeited absent certain conditions, neither life nor marriage are intrinsically good in the sense that George seems to suggest. For example, human fulfillment is not an end in itself of marriage. That fulfillment never exists independently of reference to God. Basic human goods are instituted by God and have value for man only in reference to Him. This truth is captured in the answer to the first question of the Westminster Shorter Catechism: "Man's chief end is to glorify God, and to enjoy him for ever."¹³⁴ Man's enjoyment, or human fulfillment, to use George's term, that comes with marriage is not self-referential. Life, marriage, study, and friendship are good only to the extent that they have reference to enjoyment of God. Even human life is not an end in itself, for "to live is Christ and to die is gain."¹³⁵

130. COLIN BROWN, *PHILOSOPHY & THE CHRISTIAN FAITH* 74 (1968).

131. See HERBERT W. TITUS, *GOD, MAN, AND LAW: THE BIBLICAL PRINCIPLES 1-14* (1994) (discussing the prevailing modern evolutionary concept of law).

132. GEORGE, *supra* note 1, at 69.

133. *Id.* at 67.

134. WESTMINSTER CONFSSION OF FAITH 287 (Free Presbyterian Pub'ns 1958) (1646).

135. *Philippians* 1:21.

III. SECTION TWO—THE COURTS¹³⁶

Chapters Seven through Ten focus on the role of natural law in a legal system, primarily American constitutional law. The U.S. Supreme Court decisions on privacy (*Griswold*), abortion (*Roe* and *Casey*), and slavery (*Dred Scott*) provide most of the grist for discussion of natural law jurisprudence. Chapter Eleven then provides an overview of twentieth-century jurisprudence, beginning with Oliver Wendell Holmes, Jr., and highlighting two problems—the relationship of law and morality, and the basis for objectivity in law and human rights.

Professor George believes that the Framers incorporated the natural law, in part, into the U.S. Constitution.¹³⁷ The courts, when deciding cases, must therefore interpret and apply the natural law insofar as it has been written into the positive law.¹³⁸ George states that the people have not delegated to the courts the power to enforce natural law that has not been reduced to positive law, even though he believes courts do have some kind of lawmaking power.¹³⁹ The legislature, however, does have the power, and even the duty, to incorporate natural law into legislation.¹⁴⁰ The courts would thereby also have the power to apply natural law that has been implemented by legislation. Presumably, the people can limit the legislature's jurisdictional reach by express constitutional prohibitions or by failure to delegate power over certain matters.¹⁴¹ George notes that Edwin S. Corwin believed that the English common law courts were not restricted in their ability to incorporate and apply the natural law.¹⁴² Therefore, that part of the common law that incorporated the natural law was to be applied as superior to conflicting acts of Parliament.¹⁴³ The common law was, in effect, natural law reduced to written form in the courts' opinions.¹⁴⁴ If this is in fact the case, George's view of natural law in its relation to the American constitutional system seems to reduce the power of American courts, as compared to the powers of the historic common law courts, to apply the natural law.

George illustrates how this plays out with the issue of abortion. He believes that sound arguments can be made that the federal courts should

136. GEORGE, *supra* note 1, at 125-228.

137. *Id.* at 181.

138. *Id.* at 182.

139. *Id.* at 175, 181.

140. *Id.* at 182.

141. *Id.* at 175, 178.

142. *Id.* at 175.

143. *Id.*

144. *Id.* at 175.

strike down state laws legalizing abortion.¹⁴⁵ Abortion is contrary to natural law, and the natural law regarding abortion has been incorporated into the Constitution,¹⁴⁶ firstly, because natural law defines persons as including all human beings,¹⁴⁷ and, secondly, because the Constitution requires equal protection of all persons.¹⁴⁸

This position on abortion and natural law places George at odds with Justice Scalia who opposes *Roe v. Wade* as a matter of constitutional law, though for a different reason. Scalia does not believe that the Constitution creates a right to abortion, but neither does he believe that it creates in unborn children a right to life that is enforceable by the federal courts.¹⁴⁹ Therefore, Scalia holds that the matter of abortion is for the states to resolve through the democratic processes.¹⁵⁰ The *Roe* and *Casey* decisions are vilified under Scalia's view as products of anti-democratic judicial activism in that the Supreme Court simply made up a constitutional right to abortion that does not exist.¹⁵¹ George's position that the Constitution arguably prohibits abortion in all fifty states therefore also faces the charge of anti-democratic judicial activism. George, of course, defends against this charge primarily through his argument that the Constitution itself recognizes the right to life.¹⁵² He further argues that his position is more truly democratic than Scalia's because democracy is not simply a procedure for choosing officials by majority vote; democracy contains certain inherent values including the equal dignity of all people.¹⁵³ Democracy has a substantive component that demands equal protection of law.

One of the main sources of authority that George cites in Section Two is the Pope,¹⁵⁴ who seems to violate George's principle of not appealing to religious authority in public debate. George quotes from *Evangelium Vitae* issued by John Paul II: "laws which authorize and promote abortion and euthanasia are radically opposed not only to the good of the individual but also to the common good; as such they are completely lacking in juridical validity."¹⁵⁵ Though George uses this passage to call for general citizen

145. *Id.* at 146.

146. *Id.* at 175.

147. *Id.*

148. *Id.* at 147.

149. *Id.* at 129.

150. *Id.* at 130.

151. *Id.* at 129.

152. *Id.* at 146.

153. *Id.* at 130, 146.

154. *See, e.g., id.* at 128, 131, 132, 135, 137-38, 147.

155. *Id.* at 131.

resistance to laws that are contrary to morals,¹⁵⁶ he gives no clear indication of how this applies to adjudication of cases. If something is not law, it would seem that the courts could not apply it. Yet, George invokes the natural law for the proposition that the rule of law requires courts to apply those positive laws that are contrary to natural law.¹⁵⁷

The discussion regarding the applicability of natural law in positive legal systems would be advanced by distinguishing the different purposes for which the natural law might be utilized. One simple purpose would be to provide definitions of such terms as *life* and *property*. A second would be to provide general principles of law in cases where it is not reduced to statutory form. An example would be the application of the right of self-defense to a crime where there is no statute expressly providing for such. A third would be the creation of a cause of action in the courts for a cognizable wrong when there is not an express statutory cause of action. A fourth purpose would be to provide a methodology of reasoning. For example, should rights be determined by a rule-of-law methodology or by a utilitarian calculation of costs and benefits on a case-by-case basis?

Arguably, the U.S. Constitution does expressly incorporate the natural law in a much more comprehensive fashion than George acknowledges. The people, through their constitutions, grant to the courts "judicial power."¹⁵⁸ The term *judicial* has an essential meaning fixed by natural law in much the same way as does the term *person*. The people may have the power to create a frame of government that provides for the appointment of officials and to establish their subject matter and geographical jurisdiction, but the people have no power to bind judges to do that which is wrong.¹⁵⁹ Judges, though they may owe their immediate appointment to the people, are nonetheless agents of God for justice,¹⁶⁰ and civil offices, like all powers and authorities, are ordained by God.¹⁶¹ Inherent in the exercise of judicial power is the duty to interpret and apply the law, and this necessarily includes principles of natural law applicable in particular cases. George, however, claims that a

156. *Id.* at 132-34.

157. *Id.* at 179-80.

158. *E.g.*, U.S. CONST. art. III. The archetype of the exercise of judicial power is revealed in Christ's atonement. See Jeffrey C. Tuomala, *Christ's Atonement as the Model for Civil Justice*, 38 AM. J. JURIS. 221, 222 (1993).

159. *Acts* 5:29. In the case of the apostles, the political sovereign was Caesar. Under the American system of government, the people are sovereign and the judges are their agents. Judges, like the apostles, must obey God when the political sovereign commands them to do wrong. *Cf. Acts* 5:27-29.

160. *Romans* 13:4.

161. *Ephesians* 1:20-23.

constitution need not give the courts the power of judicial review.¹⁶² That may be true, but if those institutions denominated as *courts* do not have the power of judicial review they would be executive bodies and not judicial bodies. While judges may be limited as to subject matter jurisdiction, and therefore are not given free rein to right every wrong someone might try to bring before them, they cannot be forced to apply that which is not law as though it were law.

In Section Two, the problem that arises from George's failure to make the Creator-creature distinction foundational to his worldview reappears. George states that there is a "belief in an order of natural law and justice . . . that is what it is because human nature, and therefore the human good, is what *it* is, and [a belief] that this moral order is constituted by principles accessible to reason that transcend tastes, preferences, or subjective will."¹⁶³ Once again, this gives the appearance that inherent in nature, including human nature, is a law equally ultimate with God and independent of Him. This comes through in George's identification of Martin Luther King, Jr., as among the great natural law proponents. "[T]he violation of natural law, according to Reverend King, has its worst effects by distorting the character of human beings."¹⁶⁴ If violation of the natural law is a breach of the law of a personal God with whom people have a covenantal relationship, rather than the law of impersonal nature, one would expect that the worst effect of breaking natural law would be that it provokes God's displeasure.¹⁶⁵ That is a perspective that judges, most of whom swear an oath in God's name, should have front of mind when deciding cases. They should be loath to bring God's judgment upon themselves and their country by applying that which is not law as though it were law.

Chapter Eleven, "What Is Law?"¹⁶⁶ provides a very useful summary and analysis of some of the main streams of thought and problems addressed in twentieth century jurisprudence. Notably missing, however, is any treatment of Roscoe Pound's sociological jurisprudence. Pound's jurisprudence, which calls upon the state to maximize the interests of the people, seems to be based on the same errors regarding human nature that mark secularist orthodoxy. Pound's satisfaction-of-interest jurisprudence is little more than a corporate attempt to satisfy the passions.¹⁶⁷ The problem is now exacerbated because

162. GEORGE, *supra* note 1, at 175.

163. *Id.* at 164.

164. *Id.* at 166.

165. *Romans* 2:5; *Revelation* 19:11-21.

166. GEORGE, *supra* note 1, at 211-228.

167. "First, therefore, there is the task of making an inventory of the wants, desires, claims, or demands which men assert and call upon the legal order to satisfy or to enable

law must serve as an instrument to satisfy a cacophony of competing passions.¹⁶⁸ Law and rights lose any objective basis, and now the person is not merely enslaved to his own passions, but is also subjected to a different form of determinism—state-ordered social engineering.¹⁶⁹ Governing officials (who somehow retain the power of free choice) use law as an instrument to create the kind of society that will maximize satisfaction of people's passions. The logic of an eternal and unchanging law is thus replaced by human experience, at least in the minds of Holmes,¹⁷⁰ his admirers, and jurisprudential descendants. George notes that Abraham Lincoln resolved the problem of the "relation between the *time-bound historicity* and . . . *timeless rationality*" through his understanding of the Declaration of Independence. The Declaration's assertion that all men are created equal and endowed with certain inalienable rights reflects the evangelical Christian view of the importance of the Creator-creature distinction for law and of self-evident truth as known by general revelation.¹⁷¹ Only with the Christian worldview that maintains a clear distinction between the Creator and creature can law (based on the principles of continuity and logic) and experience (which entails change and discontinuity) be harmonized.

IV. SECTION THREE—THE CHURCH¹⁷²

Chapters Twelve and Fourteen focus in large measure on Roman Catholic public officials who are not obedient to the authority of the church, primarily on the issue of abortion. Chapter Thirteen responds to a Roman Catholic's argument that homosexual marriage is compatible with Christianity. Chapter Fifteen discusses Pope John Paul II's encyclical *Fides et Ratio*.

In the final section of his book, George speaks about the church and his message is directed primarily to the church, which in this case is the Roman Catholic Church. For reasons that would seem obvious, he is free to appeal to religious authority in support of positions that he takes on issues of public

them to satisfy, of which, therefore the legal order must take account." Excerpt from Roscoe Pound, *Contemporary Juristic Theory* (1940), reprinted in GEORGE C. CHRISTIE & PATRICK H. MARTIN, *JURISPRUDENCE: TEXT AND READINGS ON THE PHILOSOPHY OF LAW* 912 (2d ed. 1995).

168. *Id.* at 911 ("As the saying is, we all want the earth. There are many of us, but there is only one earth. It is the problem of social control so to line us up and order our endeavors to satisfy our desires . . .").

169. *Id.* at 920, 922.

170. GEORGE, *supra* note 1, at 214.

171. *Id.* at 154.

172. *Id.* at 229-316.

morality. It is interesting that for the first time he devotes considerable attention to public issues beyond those of life and marriage.¹⁷³ The issues include democracy, religious liberty, free markets, private property, and human rights.

At first blush it makes sense that he would appeal to religious authority rather than pure reason since he is speaking to an audience that at least professes to recognize the authority of the Roman Catholic Church. However, it creates a problem once its adherents, especially public officials, return to engage others in the public square and in the courts. If their positions are formed on the basis of religious authority rather than reason, and appeals to religious authority are illegitimate in public debate, it would be impossible to address the seemingly secret bases upon which they form their positions. George really makes no attempt to demonstrate that each of the positions on this multitude of issues is equally defensible by autonomous human reason without appeal to religious authority. Nor does he tell the reader whether the Church's official pronouncements (in most cases papal encyclicals) are based on Scripture, tradition, or philosophic reasoning.

George contrasts "old-fashioned liberals" with "contemporary liberals" on a variety of issues and states that the Pope is an old-fashioned liberal and that all Catholics should be as well.¹⁷⁴ As stated above, old-fashioned liberals are those who believe in "religious freedom, political equality, constitutional democracy, the rule of law, limited government, private property, the market economy, and human rights."¹⁷⁵ This, he writes, is the liberalism of America's Founders and its Constitution.¹⁷⁶ While contemporary liberals at least claim adherence to some of these beliefs, by way of contrast they "defend large-scale government-run health, education, and welfare programs," "redistributive taxation policies," "affirmative action programs," redefinition of marriage, and abortion.¹⁷⁷ This, he writes, is the liberalism of Teddy Kennedy and Mario Cuomo.¹⁷⁸ George makes a special point to prove his assertion that Pope John Paul II and Vatican II did, in fact, favor democracy¹⁷⁹ and religious liberty.¹⁸⁰

It appears that on several issues, in particular economics and education, the difference between old-fashioned liberals and contemporary liberals is more a

173. *Id.* at 231-58.

174. *Id.* at 257.

175. *Id.* at 232.

176. *Id.*

177. *Id.*

178. *Id.* at 232-33.

179. *Id.* at 233-35.

180. *Id.* at 235-36.

matter of degree than principle. For example, George commends provision of a social safety net,¹⁸¹ does not oppose publicly funded schools,¹⁸² and promotes some kinds of economic regulation.¹⁸³ This vacillation is consistent with the Church's adherence to the principle of solidarity,¹⁸⁴ which seems to favor government involvement in welfare, education, and redistribution of wealth schemes, and to the principle of subsidiarity,¹⁸⁵ which favors a multiplicity and vitality of non-government institutions. Little attention is given to drawing respective domains of these competing principles.

George's discussion of issues other than life and marriage appears to be largely prologue to his treatment of the problem of Roman Catholic public officials who are pro-abortion.¹⁸⁶ He recognizes the fact that contemporary liberals are generally pro-abortion and old-fashioned liberals are generally pro-life.¹⁸⁷ George tries to convince his Roman Catholic readers, many of whom are probably contemporary liberal Democrats, that they can and should adhere to a pro-life position which is not necessarily incompatible with contemporary liberalism.¹⁸⁸ The question that George raises at the end of Chapter Eleven is, "Why don't Catholics obey the Church's teaching on abortion?" He concludes that the answer is, "They don't recognize the authority of the magisterium."¹⁸⁹

In Chapter Fourteen, George returns to the themes of pro-abortion public officials, church authorities, and the reasons for Catholics' unwillingness to submit to magisterial authority. He identifies Fr. Robert Drinan¹⁹⁰—priest, former Congressman, and Georgetown law professor—as the person most responsible for conceiving the "personally opposed but pro-choice" position that was popularized by Mario Cuomo.¹⁹¹ George also criticizes John Kennedy's 1960 speech to Protestant ministers in Houston as establishing the view that religion should be separated from public life. He writes, "Kennedy effectively declared his Catholic faith to be irrelevant to his public life."¹⁹² It

181. *Id.* at 127.

182. *See id.* at 6 ("[O]rthodox secularism stands for the strict and absolute separation of . . . faith and public life: no prayer, not even an opportunity for silent prayer, in public schools . . .").

183. *Id.* at 236.

184. *Id.* at 237, 257-58.

185. *Id.* at 237-38, 257-58.

186. *Id.* at 243-56.

187. *Id.* at 243, 245.

188. *Id.* at 252-53.

189. *Id.* at 253-56.

190. *Id.* at 276-79.

191. *Id.* at 277.

192. *Id.* at 281.

is hard to square this criticism with George's insistence that appeals to religious authority have no place in the public square.

George's brief history of the public policy positions that the United States Catholic Conference has taken is quite interesting and especially informative for evangelicals who may find the workings of the Roman Catholic Church something of a mystery.¹⁹³ The Conference was born in 1966 in the aftermath of Vatican II.¹⁹⁴ The Conference began issuing a large number of papers on nearly every important issue of public policy. George is critical of the actions of the Conference for several reasons, but for two in particular. First, the Conference addressed areas in which it had no special competence, making authoritative pronouncements at levels of particularity appropriate only for the prudence of laymen.¹⁹⁵ Second, by tying all issues together as a "seamless garment" or a "consistent ethic of life" the Conference provided Catholic pro-abortion politicians with cover.¹⁹⁶ Because the Conference took many stands more consistent with contemporary liberalism, which pro-abortion politicians could easily embrace and old-fashioned liberals could not, the pro-abortion politicians could claim to be more consistently pro-life than the truly pro-life politicians who tend to be old-fashioned liberals.¹⁹⁷

George returns to the troubling question of why Roman Catholic public officials ignore the teaching of the Roman Catholic Church.¹⁹⁸ He concludes that the single factor most responsible for undermining the magisterium's authority is the theologians, "especially priest theologians and members of the women's religious orders."¹⁹⁹ A more likely explanation for Catholics' pro-abortion stances is that they have failed to submit to an even more fundamental relationship, that of the creature to his Creator. The solution does not lie in pointing the theologians to the magisterium. They must be pointed to their Creator and lawgiver who holds them personally accountable and who will one day pronounce an eternal judgment on them.²⁰⁰

V. CONCLUSION

George's book *The Clash of Orthodoxies* does not lay a sound foundation upon which to build a truly Christian natural law jurisprudence. Although

193. *See id.*

194. *Id.* at 282.

195. *Id.* at 287-88.

196. *Id.* at 288-90.

197. *Id.* at 290.

198. *Id.* at 297-302.

199. *Id.* at 298.

200. *James* 3:1; *Revelation* 21:8.

George is very aware of the common commitment of both serious Roman Catholics and evangelical Christians to fundamental moral positions on life and marriage issues, he does not try to minimize the differences on other matters, even foundational ones. His purpose is to engage secularists and beat them on common terms of autonomous human reason. The differences between George's foundational principles and those of evangelical Christianity are striking.