

A Guatemalan Perspective of the Free and Virtuous Society



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R&L: *What is the Instituto de Gobernanza? What is its mission?*

Callejas: The Governance Institute, Democratic Union of Democratic Servant Leaders, is an institution that is dedicated to the forming of civic principles and values rooted in the Judeo-Christian worldview. The Institute was started in June of 2001 by a group of citizens whose main concern is to promote participation and training citizens through dialogues, conferences, seminars, and conventions. Its mission is to form politically responsible citizens, to form teams equipped to govern, to promote a balance through the governance system between the civil, economic, and political societies, to promote and equip entrepreneurs, to become a key and permanent player in the national debate, to promote

interculturality, and to interconnect with key international players.

R&L: *It strikes me that the mission of the Instituto de Gobernanza is similar to our own here at the Acton Institute, namely, the aspiration to promote a “free and virtuous society.” What would such a society look like in your opinion?*

Callejas: A free and virtuous society is one in which its members live autonomously, sharing material, emotional, and spiritual well-being. This is a product of an harmonic balance that the governance

system produces within the framework of the rules (i.e., the Political Constitution of the Republic of Guatemala) to which both the people and those in the government must submit to freely and voluntarily. By governance system, I mean a holistic approach of the harmonic functioning of the three key players in any nation: the economic society (business people), the political society (the state), and the civil society (people organized in mediating associations between the state and the people). The foundations of natural law prevail—life, liberty, and private stewardship of resources—and these are aggressively defended by responsible and virtuous citizens.

R&L: *What relationship do freedom and virtue have within society? Is it possible to form or to maintain a just and prosperous society without freedom or virtue?*

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It is impossible to live in prosperity without having developed within a nation a culture based on liberty and the virtuosity of its people.

Callejas: It is impossible to live in prosperity without having developed within a nation a culture based on liberty and the virtuosity of its people. When speaking of “society,” we must understand it in the broadest sense of the word and not reduce it to the “elites,” as it often happens in our developing countries. Otherwise, everything ends up oriented so that the social, political, and economic “elites” attain their own “first world” material, emotional, and spiritual satisfaction while the rest of the citizens are left behind. We must also understand that when speaking of “virtues,” we are talking about individual practice of both the virtues that generate joy and positive pleasure and those that in practice sacrifice the present for the construction of the future. In other words, we must sacrifice our own convenience to accept and tolerate those that think and live in a different or unvirtuous way, hoping that by demonstrating to them the virtuous practice of our way of life, they might change their ways.



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R&L: What are the keys to establishing a society that allows prosperity to increase among all people living within that society?

Callejas: The central point must be the liberation of each person, which was also

Jesus' main cause on earth. This allows for the development of each individual's worth as a person. Each person must become aware that he or she was created for service and instilled with very concrete and clear values simply by the fact of being a person. Each person must come to understand that he or she has the capacity for learning from life itself through an innate entrepreneurial and innovative drive. This will prevent a person from indiscriminately following someone or something else, as most non-reflective people tend to do. All this allows for development within families that produce individuals strengthened in virtues that allow them to live in society in a balanced and harmonic manner with a holistic view of life. A high level of understanding of the idea of being a person, of the value of each one's conscience, truth, liberty, and dignity is fundamental.

R&L: How does or should religion participate in the free and virtuous society?

Callejas: By understanding religion as a way of thinking, believing, and developing the maximum fruit of human virtue through constant illumination from God and our Lord Jesus Christ, there is no doubt that the liberating power of the Gospel preached and lived by Jesus works mightily in the development of persons that make strong societies, which, in turn, make strong and prosperous nations.

R&L: What legitimate constraints may a government place on the individual autonomy of its citizens?

Callejas: No limitation is legitimate unless it is to prevent the autonomy of a person or group of persons from including actions that negatively affect the inalienable rights of other people in that society. The state and its government have been created to serve people and not people to serve the state or its government.

R&L: Obviously private property rights are important to the economic prosperity of a society, but is there any moral component to maintaining strong property rights? If so, what would that moral component be?

Callejas: We must understand that a human being, the fam-

ily, and any other intermediate form in which society organizes itself is “owner of the fruit” that comes from the correct and wise stewardship of resources—whether material (land), spiritual (each individual’s talents and gifts), or emotional (feelings and character)—but that they are not the owners of the resources themselves. That is, we are not legitimate owners of the land unless we can make it produce and serve others; we are also not owners of our capacities if

these are not utilized in ways that serve others. Even crooks have God-given gifts and talents, but they misuse and ill-manage them. The same thing happens to emotional resources, such as discipline and time management, that are given to many men and women but only used properly by a few, as is the case of everyday Latin American life.

R&L: *Would you agree that Guatemala is on the verge of*

Girolamo Zanchi (1516–1590)

“...whatever laws are contrary to God’s honor or contrary to the welfare of human beings are sinful and tyrannical and should not be called ‘laws.’”

On February 2, 1516, Girolamo Zanchi was born in the northern Italian city of Alazano. Orphaned at age fourteen, Zanchi joined the local monastery of the Augustinian Order of Regular Canons. In 1541, Zanchi transferred to the priory of San Frediano in Lucca where Peter Martyr Vermigli—one of the most well-known and influential of the Italian Reformers—was the prior. Under Martyr’s guidance, Zanchi studied the works of some of the leading figures in the Reformation, including Martin Bucer, Philip Melancthon, Heinrich Bullinger, and John Calvin, and adopted many of their theological and political views. The turbulent political and religious climate of sixteenth century Europe eventually caused Zanchi to flee Lucca in 1551 and spend the rest of his life relocating to several different cities in Western Europe.



Heidelberg proved to be the location where Zanchi’s productivity was at its height. From 1568–1576 he was a professor of theology at the University of Heidelberg. In this position, he worked on a massive theological system entitled *Theological Writings*. The influence of Thomas Aquinas’ *Summa theologiae* on *Theological Writings* is apparent. Although he was unable to complete the project, Zanchi seemed to want to create a Protestant “summa.” Not only did Zanchi adopt a similar structure for *Theological Writings*, he also carried over some of Aquinas’ philosophy, especially in the area of natural law. But Zanchi did not focus exclusively on Thomistic principles. The fourth volume of *Theological Writings* is loaded with references not only to the Thomistic natural-law tradition, but also to Roman law, canon law, common law (i.e., the natural law), the proper laws (i.e., customary laws) of nations and churches, and the polity of ancient Israel.

Zanchi’s discussion of the natural law reveals his distaste for those who abuse their political power by promulgating unjust laws. Assuming a law is passed with the correct authority, Zanchi observes that a law can be unjust in one of two ways. Either it primarily promotes only the well-being and pleasure of the one promulgating the law or it prescribes conduct that opposes God or God’s law. Zanchi stresses that unjust laws of either type do not bind our conscience. What is more, we have a moral obligation to resist unjust laws that oppose God or God’s law. Thus, while Zanchi acknowledges that just laws may limit individual liberty, he indicates just as emphatically that no one is under any obligation to defer to the unjust laws of a tyrant. In his own words, “[i]f, therefore, some authority gives a command contrary to God, then not only are we commanded not to obey this governing authority, but we are also required to fight against it.”

Source: Stephen J. Grabill, “Introduction [to On the Law in General]”; and D. Hieronymus Zanchi, On the Law in General [from Volume 4 of the Theological Writings, 1617], trans. Jeffrey J. Veenstra, Journal of Markets & Morality 6 (Spring 2003): 305–398.

unprecedented social and economic gains? Why or why not?

Callejas: I would say that from the viewpoint of a man or a woman with a Christian worldview, this question deserves a categorical affirmation. It is the responsibility of those of us that know the truth revealed in the Gospel to make it come to pass. It starts with understanding that when a person, family, society, or nation reaches a culminating point in their crisis—just like the one Guatemala is going through now—that is the time when the great opportunity for change and transformation presents itself. Those of us who are able to identify this opportunity must drive it through all means possible to generate actions behind a clear vision that material, spiritual, and emotional wealth must be made available to the greatest amount of people possible. It is important to understand the holistic model of life, to move away from believing that solely working on our spiritual lives or on our material or emotional well-being is the only way to attain wealth. We must work on all these integrally.

R&L: *What, if anything, needs to happen before these social and economic gains can occur in Guatemala?*

Callejas: We need to train and develop men and women at all levels, but mainly in the so-called social, economic, and political elites, because these are the influential drivers for the transformation of the social, cultural, and legal framework in which our nation operates. We cannot think as simplistically as our churches do today, concluding that we either come to terms with what we are and have or we reduce the “religious” message to a point in which it does not generate important changes in our societies’s culture. If this is our view of religion, we risk converting faith into what Marx said it was—the opiate of the people.

R&L: *How is the church involved, if at all, in effecting social and economic change in Guatemala?*

Callejas: Currently the involvement of the church, both from the standpoint of traditional Roman Catholicism and within Protestant denominations, is very poor in the areas of social assistance, that is, helping the poor. For the Roman Catholic Church’s side, they are seeking more influence in the hierarchical spheres of the current government, but with an exclusive intention of having influence in places of power. They are apparently not reorienting those in power to bettering the conditions of life in society. On the other hand, the Protes-

tant churches have been in search of political power, but despite having been successful even to the highest levels of governmental influence, they have not been successful in using this influence to better the living conditions among the whole population. All to the contrary, the church’s seeking political influence has demonstrated that power does corrupt.

R&L: *Guatemala is rich in natural resources, but real economic growth has been sluggish over the past several years. What do you think are the reasons for this?*

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Callejas: The biblical warning that people perish for lack of knowledge is realized in our case. Our national leadership of all levels—business, political, and social—does not have, and therefore has not communicated, a vision and an adequate level of knowledge to our people. Wealth has been generated from the resources available, but this wealth has been concentrated in the hands of a few business leaders who lack understanding. Our government and our judges have lived in perverse agreements with the economic sector, thus limiting the access of the rest of society to knowledge and wealth.

R&L: *What is the proper role of the government in the marketplace? How does the government in Guatemala fit with or fall short of this role?*

Callejas: Given the current state of our government, the great transformation in the role of Guatemala’s government should be in facilitating the transfer of power and responsibility to the people, a transfer that must be accompanied by a transfer of resources, knowledge, technology, and also liberty to the families and communities so that they can make their own choices. It must become a facilitator that does not allow the economic or any other sector, whether legal or illicit (like drug trafficking), to abuse power, as these abuses have historically penetrated into our national life.

R&L: *Some hold that power is too centralized in the Guatemalan federal government and that this power should be decentralized to the civil society. Do you agree? Why or why not?*

Callejas: This, the centralization of power in a few people, has generated corruption to extreme levels. Corruption that we not only see in the illegal appropriation of the state's assets and resources by those who govern us, but in an even worse way, reflected in the high dependance of the people on what the state does, converting the state into a semi-god. It is indispensable to the solution of our old problems and to the efficient use of the country's resources that we facilitate on behalf of the central government, the transfer of power to the people by way of transferring resources, knowledge, and liberty to the organized structures of the civil society, assuring from the state's side that the normative frameworks exist and that these frameworks make the transfer of power effective and efficient.

R&L: *Do you see any viable way to convince those in power in the federal government that a decentralization of power is necessary in Guatemala?*

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Callejas: The opportunity exists in the measure in which, on the one hand, the elites forming the leadership of the country understand that there is no other way out, and in the measure in which society itself transforms this demand into political actions that apply pressure so that the slow judicial development we have in this matter is applied and developed further to strengthen a sustainable decentralization process. It is important to appreciate the need for our leadership to understand the process of change within a governance system (as I defined earlier) in which the political, economic, and civil society relate under the paradigm of cooperation.

R&L: *How can long-term systemic change be accomplished, if at all, in a democratic country when the leadership changes every few years? How can such a country liberate itself from the stagnancy that results from years of progress followed by years of regress?*

Callejas: The way to accomplish this is through sowing renewed ideas that change and transform the understanding of current and future generations—just as the Apostle Paul said. This means, taking a step further from the impulse of shallow, economical ideas to the ideological and philosophical conception of society's elites. In this, our intellectuals, media, social communicators, and politicians have a lot to say and do.

R&L: *Having served as a high-ranking public official in the government, did you ever encounter challenges to your faith and morals? How did you respond to these challenges?*

Callejas: The challenges to the moral and ethical foundations that any public official in our government has occur daily. This becomes harder in the highest offices in which power is managed ultimately. The first difficulty encountered is the resistance to work, efficiency, and excellence in the staff of these institutions; this can be solved through setting a personal example. I know for a fact this works. The other difficulty lies in the honest stewardship of resources, and although this is hard, it can be done by conforming a team of honest and honorable people in charge of this stewardship. The other level, harder still, is resisting the pressures of your immediate boss—in my case, the President and Vice-President of the country—to act unfairly by giving special privileges to certain contractors or denying access to the state's

resources except to friends and political campaign donors. At this last level, your only option is to take a firm and inflexible position of not falling into these types of corrupt games, and that results in getting fired, just like it happened to me.

R&L: *What effect has your faith had on your choices and performance throughout your career?*

Callejas: One of the main effects of my faith in Christ on my professional career has been the seeking out and finding of opportunities to become affiliated with businesses, groups of organized citizens, political groups, NGO's, universities, and people that have recognized in me a successful professional and family life, and, as a result of that, have completely trusted my actions. In the same way, although I have experienced difficult situations with and been taken advantage of by some national leaders as a result of my confession and practice of the Christian faith, I have recognized that these experiences also contribute to my personal development.



Categorical Imperatives Impair Christianity in Culture

Douglas A. Ollivant

Contrary to the libertinistic assumptions pervading our contemporary society, property rights, liberty, and even life itself—the bases of any functional economic order—do not exist as ends in themselves, but rather as elements within a greater framework of religious faith and morality. Historically, Christianity established this religious and moral framework for Western culture. Today, to the extent a larger framework is recognized at all, contemporary advocates, both Christian and secular, tend to rely on human dignity by itself to furnish this greater moral framework. But we must take care to remember that human dignity includes more than just each individual person's dignity or rights.

Traditional Christian anthropology views human beings as participating in both the temporal and the eternal. Thus, while human beings need to survive in a temporal, material world, the material survival of human beings is not the exclusive determinant for the standard of human dignity. To truly preserve human dignity for all humans, all law, commerce, and culture must organize around both the temporal and eternal aspects of our human existence, embracing the complexity that accompanies the application of this traditional Christian anthropology. While historical Christian scholars, such as Saint Augustine and Thomas Aquinas, have strived to understand and apply this Christian anthropology, contemporary Christian scholars seem to have moved in a different direction. In addition to our own sloth-induced forgetfulness, we have Immanuel Kant to thank for this wrong turn.

The Categorical Imperative Surfaces

In his must-read *Christian Faith and Modern Democracy*, Robert Kraynak introduces us to the concept of “Kantian Christianity.”¹ Kraynak claims that the “Kantian influence on modern Christianity is . . . deep and pervasive.” What he means is that Christian thinkers no longer speak about cul-

ture and politics in terms of the more enduring principles of moral virtue, law, and the common good but now focus on social justice, understood as solely the immediate, material rights and dignity of the human person. Moreover, they have drastically reduced the role of prudence in politics accepted under the historical Christian anthropological understanding, which has recognized a variety of political regimes depending on the circumstances. This historical understanding also acknowledged the harsh realities of the political realm in a fallen (albeit redeemed) world, and the difficulties and agonies involved in fashioning a just or moral response to contingent events. Instead of prudential judgments, Kraynak maintains that we now hear only moralistic pronouncements

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about peace and justice that severely limit the range of (legitimately recognized) political options.

Kraynak maintains that Kantian Christianity has seeped into the language of contemporary Christians even though contemporary Christians do not seem to have a full understanding of the underlying anthropology that comes with it. The rights and dignity of each person replaces moral and theological virtues—rational and spiritual perfection. Further, an emphasis on personal autonomy or personal identity diminishes long-established Christian teachings about the dependence of the Creature on the Creator, original sin, grace, and a natural law through which human beings may share or “participate” in eternal law.

Following Kraynak, it is clear to see that in our public life and culture, this language of rights and dignity tends to lead to absolutes in morality, or “categorical imperatives.” Now, Christianity has no problem with moral absolutes (and

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in fact dictates several), provided they are properly stated. But a proper statement of a moral absolute is made difficult by the anthropology lingering in Kant's legacy.

Kant's original categorical imperative, of course, states that one must live in such a manner that one's actions could form the basis of a universal law. It is the quest for "universal laws," exclusive of a prudent account of circumstance, that proves troubling. This universalist language is incompatible with the more prudential approaches to public life articulated by Augustine and Aquinas, which was driven by their much richer understandings of the human person and his or her relation to the physical world and the divine. Examples of this Kantian, univocal language can be seen in many uses of our three most cherished "rights"—life, liberty, and property. Let us address these in reverse order, dealing briefly with property and liberty before examining life questions in some detail.

Property Rights Within the Human Community

Property rights, as readers of this publication know, have been harshly contested in some Christian circles, in part due to the lingering effects of nineteenth and twentieth century Christian flirtations with socialism. Yet clear, legally binding property rights remain an indispensable part of the rule of law, upon which the culture, both economic and social, of the Christian West has been constructed. Aquinas, for example, despite his personal vow of poverty, is a staunch defender of private property in his *Summa Theologica*, deeming it necessary for productivity, order, and peace.

Yet he makes two caveats. First, the common good always takes priority over private property. Second, in times of extreme want, property ceases to be private. Aquinas writes that "[i]n cases of need, all things are common property, so that there would seem to be no sin in taking another's property, for need has made it common."² While property is important, it is not sacrosanct. Property rights are not absolute, but may be violated without sin in certain exceptional, but apparently limited, circumstances (for instance, when a person is in imminent danger, and there is no other possible way to avert that danger). Thomas understands—as Kant does not—that the human person is not truly autonomous,

but instead remains bound to other fellow human beings by his or her shared dependence on God. Since property is a gift from God, rather than something to be wrested from a hostile creation, an authentically Christian understanding permits a more nuanced vision of property than a purely material

understanding would infer. This nuanced vision then facilitates the economic reasons for maintaining property rights while simultaneously preventing those rights from becoming an occasion for the divestment of virtue from property owners.

An Order for Liberty

Liberty is yet another term that has been subjected to Kantian universality. Many Kantian-influenced theorists cannot bear any qualifiers to the term *liberty*, maintaining that any personal restriction, short of those necessary to protect other persons, is unconscionable. This understanding is false, because it is based on a radical, modern vision of human autonomy. Each individual must be at liberty to do as he or she desires. Thus, only the temporal aspect of liberty is emphasized. No recognition is given to the legitimate need for each individual's liberty to be carefully balanced against the liberty of each other individual. Thus, as is true for property, liberty is always subservient to the needs of the entire community. Recognizing that fact reintroduces the eternal aspect of liberty into the anthropological equation.

Traditional Christian anthropology does not divorce the temporal and eternal aspects of liberty, rejecting the limits of the Kantian categorical imperative outright. Liberty within a true Christian anthropology is—to borrow a phrase—"ordered liberty," and a responsible government will contour, restrict, and even quash "liberties" that make a proper ordering of society difficult or impossible. The responsibility of the political authority to maintain and promote the common good gives that authority a certain license to—responsibly—curtail certain liberties.

The Authentic Culture of Life

But the most flagrant use of categorical imperatives in our current political culture deals with life issues. It must be stated up front that no practicing Christian disputes that life is one of the most precious gifts that God has given to us. The second century "Letter to Diognetus" bears testimony to early Christians not taking part in the Roman custom of "exposing [or "discarding"] their offspring"—the preferred method of pagan infanticide for the weak or unwanted.³

But to speak of a “culture of life”—if used simply to express a “seamless garment” univocal defense against any taking of life—has become a categorical imperative. For instance, the core of what we might call the “Bernadin project” is that Christians (in this case Catholics) must dogmatically oppose and fight against any early termination of human life. But this understanding fails to see that there may be an important, and even a critical, difference between a true culture of life and a “culture of merely life.” The former taking into account the authentic existence of human beings within not only the material realm, but also the immaterial, the spiritual; the latter limiting human existence to the breathing of the air in this temporal world only.

This issue cuts very close to home, as it deals with some of the most controversial politics in our culturally fragmented society—abortion, war, capital punishment, infanticide, and euthanasia. To introduce questions of prudence into these debates is often difficult, but such introductions must take place to prevent the categorical imperative from seeping further into contemporary Christian thought. On issues of great import, no matter whether these issues involve economics, politics, or human life itself, making proper distinctions is always of the essence.

To choose perhaps the least charged of these issues, Christians, and particularly Roman Catholics, have been engaging in a debate over the proper limits of state-imposed punishment for some time. Led by the personal opposition of John Paul II, the Catholic Church has grown ever more dubious of the appropriateness—and therefore the justice—of capital punishment. Many prominent Catholics in America—some out of deep conviction, others in reaction to the dissolving Democratic party monopoly on Catholic political allegiance—have sought to link opposition to the death penalty with opposition to abortion, having the effect, whether intended or not, of neutralizing any partisan distinctions on “life issues.”

But this categorical language seems to conceal more than it clarifies. For even Pope John Paul II has conceded that the death penalty is a legitimate option “when it would not be possible otherwise to defend society.” Now, a categorical use of this language seems to imply that the state can only take a life when failure to do so endangers other lives. But as Cardinal Avery Dulles has pointed out to us, it may be that:

When the Pope speaks of the protection of society as grounds for using the death penalty, he may have more in mind than mere physical defense against the individual criminal. To vindicate the order of justice and to sustain the moral health of society and the security of innocent persons against potential criminals it may be appropriate to punish certain crimes by death.⁴

In other words, to insist on categorical language—maintaining that the Church must insist on the continuation of physical existence regardless of the attendant circumstances—may actually be contrary to the “culture of life” that the Church seeks to promote. It is not self-evident that a “culture of life” is promoted by the continuation of human lives that have been tainted by egregious sins against human dignity. By committing the churches to this univocal definition of the culture of life, forbidding any prudential account of circumstances, the lives of the innocent become equated with the lives of the guilty. This inability to make relevant distinctions is indicative of a certain poverty in our contemporary understanding, a focus on the material that implicitly

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denies access to—and perhaps even the reality of—the transcendent. This univocal focus on pure physical existence does not permit us to assess—to use the Cardinal’s terms—the “moral health of society,” let alone its Christian witness or sanctity. But it does excel in permitting the generation of convenient “categorical imperatives.”

Instead of speaking dogmatically about a “right to life,” it may be that Christians could better promote human dignity by returning to more traditional language, explicitly grounded in a Christian anthropology, that allows for proper distinctions of this sort. To quote at length from Kraynak:

Proclaiming a right to life easily turns into the claim that biological existence is sacred or that mere life has absolute value, regardless of whether it is the life of an innocent unborn child, or the life of a heinous criminal. And the claim that life is a “right” diminishes the claim that life is a “gift”

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from God: How can a gift be a right? Proclaiming a right to life eventually leads to the mistaken idea of a “seamless garment of life” that is indistinguishable from complete pacifism or a total ban on taking life, including animal life, even for just and necessary causes. It also makes one forget that the good life, not to mention the afterlife, is a greater good than merely being alive in the present world—an unintended but significant depreciation of Christian otherworldliness.⁵

Christian Life in Otherworldliness, Not Categorical Imperatives

Kraynak forcefully reminds us that in the end the Christian life is about “otherworldliness.” We are merely pilgrims here in this world. A world of “categorical imperatives” seeks to bring about the kingdom of God on earth. This goal is, however laudable in intention, subject to serious abuse—as the totalitarianisms of the past century have so forcefully taught us. And while the categorical language of Kantian rights hardly threatens human dignity and decent government in the same manner or with the same severity as the ideologies of the past century, it does threaten to diminish effective Christian witness in our fallen world. If Christians merely echo the claims of modern Kantians, where is the “sign of contradiction?”

A return to a more prudent politics does not mean that the debate on capital punishment has been resolved in favor of the practice. It may in fact be the case that even a prudential assessment of the societal costs and benefits of executing certain criminals may prove the practice to be undesirable. Perhaps, in the final analysis, a culture of life would be best promoted by the elimination of capital punishment. But I suggest that the churches can only begin to make this assessment by moving away from categorical language, permitting considerations other than the mere continuance of physical existence to enter into the calculus.

The churches and Christians do have an important temporal witness in a fallen world, and part of that witness is an eternal vigilance against the crimes of theft, tyranny, and murder. However, Christians must always be prepared to defend certain truths; not all taking of property is theft, not all restric-

tion of liberty is tyranny, and not all taking of life is murder. Kantian Christianity has indeed seeped into the language of contemporary Christianity and, by discounting its eternal realities, threatens to diminish its temporal witness. A return to the politics of prudence—

“love God and do as you will”—provides the basis for a much more consistent and Christian public ethic.

Notes

¹ Robert Kraynak, *Christian Faith and Modern Democracy: God and Politics in the Fallen World* (Notre Dame, Indiana: University of Notre Dame Press, 2001).

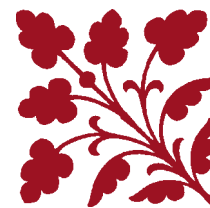
² St. Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province, Volume III, IIa-IIae QQ. 1–148 (Westminster, Maryland: Christian Classics, 1981), pp. 1474–75 (IIa-IIae, q. 66, a. 7).

³ This same letter also contains another amusing warning against “categorical imperatives,” stating that the Christians have a “common table,” but not a “common bed.” Food is to be freely shared, while sexuality is to be guarded. Again, proper distinctions are important.

⁴ Avery Cardinal Dulles, “Antonin Scalia and His Critics: An Exchange on the Church, the Courts, and the Death Penalty,” *First Things* 126 (Oct 2002), p. 8.

⁵ Kraynak, *Christian Faith and Modern Democracy*, p. 173.

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God, Reason, and the Law

Oskari Juurikkala

In a recent review of Robert P. George's *The Clash of Orthodoxies*, Samuel Gregg, Director of the Acton Institute's Center for Economic Personalism, observed that "we have witnessed something of a renaissance of natural-law thinking among Christian scholars." Another piece of evidence of this renaissance is *The First Grace: Rediscovering the Natural Law in a Post-Christian World* by constitutional scholar and natural-law theorist Russell Hittinger.

The First Grace is not only an original but also a challenging contribution to the natural-law discourse. The book is divided into two sections. The first, entitled "Rediscovering the Natural Law," argues that the modern conception of natural law and natural rights is not only wrong but also profoundly misleading. To correct this, Hittinger attempts to ground the natural-law discourse in its traditional theological environment. The second section, "Natural Law and the Post-Christian World," presents engaging discussions on controversial present day issues, with specific reference to the United States Constitution, the role of the judiciary, and limited government.

Autonomous Man Versus God and Natural Law

The first part of *The First Grace* deals with the foundations of natural law. Hittinger argues that the problem of natural law cannot be properly understood without reference to God as the ultimate governor and legislator. In reviewing the history of natural-law discourse, Hittinger shows how the original understanding of natural law as "the ordinance of a divine lawgiver" (4) was supplanted in the modern era by a secular myth of a "state of nature" by Rousseau, Locke, and others. This myth "was meant to be a secular substitute for the story of Genesis" and it was "designed for the political purpose of unseating the traditional doctrine of natural law" (14).

Hittinger points out that the modern conception of natural law eventually came to color the moral theology of the

Church. Consequently, the natural-law discourse was silently separated from the doctrine of providence, and in the end it became nothing but a mere "persuasive tool" for moral arguments (16). Such a conception of natural law, coupled with the secularist clamoring for various sorts of alleged "rights," was bound to lead to fundamental misunderstandings among twentieth century moral theologians.

Why then must the natural law be grounded in God as the ultimate source of that law? Is the light of natural reason not enough for us? Hittinger concedes, as did St. Thomas

Aquinas, that "it is by the natural power of reason that we partake of the law" and "the law is instilled or indicted in us so as to be known naturally" (97). This is why St. Thomas called it 'natural' law. However, "[o]nce natural law is equated with the human power to make practical judgments, its specifically legal character as a perceived (or participated) law is muted, if not abandoned" (46).

This leads to a profound misunderstanding of what natural law is all about. In effect, it opens the way to a vast array of false theories, in particular the idea of natural law as mere "individual autonomy," as suggested by such figures as the Jesuit priest Joseph Fuchs. Hittinger criticizes this interpretation and points out that the difference between natural law with or without the legislating God is "no more subtle than the difference between giving a teenager the keys to the car with a set of instructions, and just giving him the keys to the car" (24).

As a way out of the present confusion, Hittinger points in particular to John Paul II's *Veritatis Splendor*. The goal of the encyclical is precisely to take the discussion back to the theological and anthropological environment, and to show that the foundations of the moral order lie in the relationship between man and God.

Judges, Constitutions, and Limited Government

If the first section of the book requires some background

The First Grace: Rediscovering the Natural Law in a Post-Christian World

by Russell Hittinger

ISI Books

334 pp. Hardcover: \$24.95

knowledge of the natural-law discourse, the second part is directed especially to those interested in the American legal system. An expert on constitutional law, Hittinger applies the theory of natural law to recent controversies concerning the role of judges, constitutions, and government. He examines in particular the United States Supreme Court's famous decision in *Planned Parenthood v. Casey* (1992) and its influence on the American political climate.

In "Natural Law in the Positive Laws," Hittinger clarifies the much debated question of whether the judiciary should bring judgments of moral and political philosophy to bear in their decisions. Some, such as Judge Robert Bork, have claimed that natural-law theory demands that judges have such rights. Hittinger disagrees. Activist judicial review, in his view, would imply a usurpation of power and contradict the constitutional ideal of the rule of law. Because the precepts of natural justice forbid such a usurpation, "[j]udicial preference for natural law over positive law is a contradiction in terms" (112). Moreover, case law is prone to lead to unsystematic and incoherent judgments, and is therefore unsuitable for promulgating the natural law. In fact, "[o]ur reliance upon the judiciary to speak the natural law in the course of its ordinary obligation to *ius dicere* ... puts a bad face on natural law theory" (84).

The problematic role of the judiciary is further illuminated in the chapter "Natural Rights, Under-Specified Rights, and Bills of Rights." Hittinger presents not only a criticism of the dubious rights-talk of various political pressure groups, but also a profound and enlightening analysis of what, from a legal point of view, has happened to the American experiment of limited government, and why. The central problem is what he calls "under-specified natural rights," such as those found in the Bill of Rights. The author's main interest is the United States Constitution, but he states that similar problems afflict Canada and, increasingly, the European Union.

How could the Bill of Rights create problems for limited government? Hittinger reviews the history of the Constitution and points out that, instead of assigning specific tasks for the central government, the original Constitution was meant to limit its powers once and for all. Already Hamilton warned that adding abstract rights to this would not limit the government any further; instead it "would furnish to men disposed to usurp, a plausible pretense for claiming that power." That is exactly what has happened. Hittinger explains: "Once government is commissioned to secure the end of generally stated moral desiderata, government will not only claim the power to interpret the scope of these ends, but will also claim power over the means to achieve them Everyone believes that they have rights, but no one actually knows what they are until an organ of the government specifies them" (128-9).

The situation has become increasingly murky after the Supreme Court's decision in *Planned Parenthood v. Casey*, which stated that "[a]t the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." This leaves all doors open. According to Hittinger, "[s]o stated, it could mean anything. A right that can mean virtually anything does not limit the government. Rather, such a right authorizes the government both to meddle in social relations for the purpose of securing open-ended claims of justice, and (paradoxically) to make constant exceptions to the alleged right whenever its open-ended character seems to conflict with some compelling governmental function" (129). He concludes: "Until [the right] is further specified, no one can know who is bound to do (or not do) *what* to *whom*. And so long as that condition persists, there is no *limit* to the government" (130).

In the section called "Crisis of Legitimacy," Hittinger goes further with the *Planned Parenthood* case. He shows that the decision and its content present serious challenges for the legitimacy of the legal regime. Especially troubling is the Court's position on its own legitimacy: "The Court's power lies ... in its legitimacy, a product of substance and perception that shows itself in the people's acceptance of the Judiciary as fit to determine what the Nation's law means and to declare what it demands." Hittinger points out that such a position is unprecedented in the whole constitutional history, and he comments: "Were an executive officer to define his power in this fashion, we might suspect it was Mussolini" (203). Hittinger labels the creeping new regime as the "soft despotism of courts," meaning that "courts ... claim to be the final and exclusive voice of the people. Courts tell us when to stop talking and when to obey" (213).

Rediscovering Tradition

Traditionalist natural-law theory has been criticized for "fundamentalism" and trying to "beat listeners over the head with the Bible." Hittinger's *The First Grace* demonstrates that such accusations are seriously misplaced. Regardless of the reader's religious and political persuasion, Hittinger's discussions of both practical and theoretical questions are filled with compelling arguments, penetrating judgments, and well-grounded conclusions. *The First Grace* deserves the attention not only of legal and political theorists but of anyone who cares about the American experiment of limited government and its future.

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Character for Free

Ryan Richardson

During a recent lecture at Loyola University New Orleans, Michael Novak argued that for centuries individuals have been asking the wrong questions. Up until around 1776, he said, people inquired, “What is the cause of poverty?” Novak suggests they should have been asking what Adam Smith asked—that is, “What is the cause of the wealth of nations?” Or in other words, why are the rich rich?

In *Personal Character and National Destiny*, Harold B. Jones, Jr. takes up Smith’s question and proposes that a rise in the “need for achievement” leads to a rise in economic progress. Jones delves into the historical continuum of the rise and fall of nations to show the factors that lead to economic prosperity. Far from conducting a typical neo-classical economic study that uses numerous charts, graphs, and tables, Jones uses a person-centered approach filled with historical backgrounds and case studies of *real* individuals. Those people who are achievement-oriented “feel that they must be in control of their lives They do not expect to advance by demanding more from ‘society,’ but by demanding more from themselves.” A nation filled with these types of individuals can expect prosperity.

In Chapter 3, titled “The Appearance of Character,” Jones makes a fascinating parallel between the Rule of Saint Benedict and the Protestant work ethic. Benedict of Nursia, in reforming monasticism, proposed the three disciplines of poverty, chastity, and obedience. Each monk regarded his specific job as a mandate from God and as a means to personal holiness. Since the Rule did not allow the monks to indulge in the fruits of their labor, they produced more than they consumed and gradually accumulated wealth. Similarly, the Protestant reformation brought about a renewed sense of individual work ethic. Religious leaders emphasized the importance of time management and the fulfillment of ordinary daily activities, including business ventures. In doing so, a person was fulfilling God’s calling. German sociolo-

gist, Max Weber, saw the appearance of a strong work ethic as “the first step in the creation of a competitive economy.”

Self-reliance, faith, honesty, perseverance, and victorious achievement were the cornerstone beliefs for early American settlers. They departed Europe in hopes of more freedom, opportunities, and a better life. These brave men and women did not expect “hand outs” upon arriving to a new homeland and instead embraced the challenge of providing for themselves. American heroes like Benjamin Franklin and Horatio Alger, Jr. wrote about the attainment of personal character. In *Poor Richard’s Almanac* Franklin testified that a life of industry and frugality were the way to climb up the social

ladder, while Alger captivated the nation through rags-to-riches tales of Andrew Carnegie and John D. Rockefeller. People believed that both the biggest roadblock and grandest highway to success lay in their personal initiative and work ethic. They acknowledged that life is a difficult journey and nothing good is gained without sacrifice.

By the turn of the twentieth century, America was a developing nation. Its standard of living largely increased due to new technologies brought about by the industrial revolution. These developments, however, began to corrupt the American psyche. Babies were *born into* a life of economic prosperity and missed out on the sense of character formation, self-sacrifice, and independence that was so much a part of their predecessors’ success. In many ways, this new generation was spoiled. Jones says in Chapter 6, “[t]hey had been born to comfort, and the thought of discomfort terrified them.” A new generation of authors eventually “looked out on the world around them, discovered that beside its increasingly widespread abundance there remained a great deal of poverty, and decided that those who had created the abundance must be responsible also for the poverty.” Therefore, successful figures like Andrew Carnegie and John D. Rockefeller went from being hailed as heroes to being hated as villains. Many

Personal Character and National Destiny

by Harold B. Jones, Jr.

Paragon House
272 pp. Hardcover: \$21.95

Americans bought into the zero-sum game fallacy (that is, the idea that the rich are rich because the poor are poor) promoted by intellectuals like Elbert Hubbard, Upton Sinclair, and John Dewey. Jones concedes that the rich were getting richer, but, as a result, the poor also were becoming richer. The poor and middle class of the early twentieth century, for example, lived at material standards greater than the upper class of the eighteenth and nineteenth centuries. People failed to see that a person in a free society tends to amass wealth by making other people better off.

Over time, the achievement-oriented personality took a back seat to a new personality—the need for affiliation. The primary motivator no longer was success, but rather was the desire to be liked by others. John Dewey, a catalyst to this new mindset, advocated that “the individual is better conceived of as a product of his environment than of his own goals, effort, and thought.” In other words, being a part of a group and dependent on someone else bodes better than acting as an individual. The problem with Dewey’s assumptions, Jones says, is anthropological in nature. If a person is strictly culturally conditioned by his or her surroundings, then he or she has no ability to rise above whatever malady may be present in those surroundings. The achievement-oriented individual (and Christianity I might add) prioritizes the dignity and freedom of the human person, not the particular communities in which a person might live. No one denies that environmental influences are important aspects for human development. But as Jones points out, the greatness of humanity lies in our ability to overcome obstacles and control our own destiny.

By the late 1920s, the affiliation mentality had become dominate. When the economy hit a recession and the stock market crashed, people looked outside themselves for answers to the country’s economic downturn. Politicians began to run on platforms that promised to bring economic prosperity. In turn, voters elected officials who promised to “fix” the market through governmental intervention. Jones writes that Americans “elected leaders who claimed to do for them what they should have known they could do only for themselves. And in choosing such leaders, they took the first steps toward surrendering control of their own lives.” Beginning with president Hoover and continuing with presidents Roosevelt, Kennedy, Johnson, and Clinton, the United States has taken a form that resembles more of a welfare state than a free society. People today see prosperity as a right, something handed to them, instead of a goal that is earned through character formation and hard work. This “entitlement mentality” proves dangerous because it deters individual responsibility, creativity, and ingenuity, and it fosters a state of dependence.

Jones speculates that just as a religious revival transformed both England and America, a new religious revival is needed to revive twenty-first century America. Religious principles have the power to form habits, alter mindsets, and instill objective truths that testify to the greatness of the human person. Jones states that in the eighteenth century, people “saw for the first time that the way they lived and the way they raised their children had a lasting significance. They saw for the first time that the immediate was less important than the eternal. Bolstered by their newfound confidence, they set out to do great things in the world.” Could it be that by advocating the timeless truths of human freedom, responsibility, hard work, and religious faith we can help usher in a new wave of thinking for the twenty-first century? Jones would hope so.

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Book News

Profit At Any Cost? Why Business Ethics Makes Sense

Jerry Fleming

Baker Books

192 pp. Hardcover: \$17.99

In *Profit At Any Cost? Why Business Ethics Makes Sense*, Jerry Fleming engages the timely topic of conducting business within an ethical framework. Fleming’s prose is lean and gripping. He avoids any terminology that could even vaguely represent jargon. It seems apparent that his intention was to write a book that the average business executive could read without difficulty. On this score, mission accomplished. Instead of graphs and charts, Fleming includes anecdotes and bullet points. Even much of Fleming’s research is recounted in narrative form, prompting the reader to keep flipping the pages. Fleming’s central thesis is that profit results from ethical practice. Said conversely, ethical practice is not contradictory to earning a profit. Along the way, he points out that the currently reigning ethical practices in everyday business are driven by circumstance and expedience rather than moral principles. He also describes how these low ethical practices have become commonplace in the contemporary business world. He is not afraid to refer to his

own moral failings as a business executive in order to make his point. His passion about the subject is somewhat infectious. The book gives the impression that if Fleming were speaking these words, his voice would be rising to a decibel level that might be harmful to the eardrums of any mammal. Not only does Fleming provide a critique of unethical business practice, he suggests ways in which an ethical business practice can be implemented. At a surface level, the substance of *Profit At Any Cost* appears beyond reproach. However, the chief problem reveals itself below the surface, when the reader searches for the basis of the ethics Fleming keeps referring to. Fleming professes himself to be a utilitarian, but then a couple pages later, quoting Thomas Aquinas, he affirms that moral absolutes do exist. What is more, he indicates that these moral absolutes are God-given and can be found in the Judeo-Christian Bible. He also points out that these absolutes can be found in the writings of Plato, Aristotle, and Confucius. He concludes that the reason we have moral fundamentals is to avoid harming others and promote the greatest happiness for the greatest number of people. This description of the foundation for his ethical framework is as glib as it is inaccurate. He does nothing to reconcile the problem that arises when the greatest good for the greatest number creates a circumstance that affronts Judeo-Christian moral absolutes, such as mandatory abortions to control human population. Although Fleming is clearly not trying to establish an airtight ethical system as much as he is trying to motivate business executives to act ethically, he really should have treated his discussion of the foundations for ethical behavior much more carefully. But, with the exception of those twenty or so pages that address the bases of Fleming's ethics, *Profit At Any Cost?* does a good job of reminding the reader that ethics apply to business as much as they apply to any other aspect of life. The real strength of the book is in its real life examples of moral success and failure. These examples are strong enough to make the book a worthwhile read for any uninformed business executive.


On Ordered Liberty: A Treatise on the Free Society

Samuel Gregg

Lexington Books

144 pp. (Paperback) \$16.95

In our contemporary society, trying to define the term *liberty* has become an exceedingly elusive task—somewhat similar to trying to find a corner on a circle. Some advocate that the war in Iraq is justified because the Iraqi people need to have liberty from Saddam Hussein. Others hail liberty as the reason why abortion should remain the right of every

woman and marriage should become the right of every same-sex couple. Still others decry any governmental regulation of business as improper, because these regulations impinge on the liberty of those in the marketplace. The slipperiness of the word *liberty* virtually precludes any principled discussion on these issues, because no common definition exists by which liberty itself can be accurately scrutinized. In *On Ordered Liberty: A Treatise on the Free Society*, the latest installment of Lexington Books' series *Religion, Politics, and Society in the New Millennium*, Samuel Gregg lays the groundwork for this common definition by identifying what the contemporary perceptions of liberty are and examining the historical antecedents for these perceptions. Many people in secular society today conceive of liberty as the freedom to do whatever any person wants to do. In other words, each person should be free to exercise his or her will as he or she sees fit. The only valid restrictions on a person's will then are those that prevent him or her from harming another. Gregg notes that this understanding of liberty has its roots, most prominently, in the utilitarian thinking of John Stuart Mill. Denouncing this wide-open conception of liberty, Gregg establishes what he calls "ordered liberty," in which the end of liberty is not to satisfy all human desires, but rather to offer human beings the freedom to choose to act virtuously. Gregg credits Lord John Emirich Dalberg-Acton with writing that liberty is "not the power of doing what we like, but the right of being able to do what we ought." That statement sums up Gregg's ordered liberty quite nicely. Thus, the focus should not be on expanding the horizon of choice for each individual, but rather on understanding which choices are consistent with morality and virtue. This text provides an excellent resource for engaging those who make libertarian assumptions about liberty, exposing the fallacy of these assumptions on both logical and historical bases. Gregg also generally dismantles Mills' utilitarian philosophy—the basis of many of these contemporary libertarian assumptions about liberty—as irretrievably immoral and unwieldy. *On Ordered Liberty* offers refreshing clarity to an otherwise hopelessly self-reflexive discussion. Gregg avoids the use of academic jargon, making this text readily accessible to anyone with an interest in this area. That is not to say that *On Ordered Liberty* lacks academic rigor. To the contrary, many professors in the contemporary academy may very well find themselves stymied by the simple, pithy reasoning that buttresses Gregg's conclusions. Anyone who wants to be informed on what is at stake in current policy discussions of liberty, no matter whether they occur in a local tavern or on the floor of the United States Supreme Court, should read *On Ordered Liberty*. 

Latin America Imprisoned in Liberation Theology



Old-style leftist politics is making a huge comeback in Latin America. In Brazil, an avowed socialist and anti-capitalist has taken power in a landslide vote. Luiz Lula da Silva's first day as president ended with a dinner with Cuba's Fidel Castro. Also joining him was Venezuela president Hugo Chavez, who is pursuing a leftist agenda and promising a full crackdown on "terrorists" and "traitors" who oppose him. In Ecuador, new president Lucio Gutierrez, a retired army colonel, holds similar political sympathies, promising to empower the poor through state means. These political leaders' platforms are also fueled by a religious component: a reversion to liberation theology which

twists the Gospel call to assist the poor in their plight into a redistributionist political agenda that threatens violence and uses anti-American sentiment to secure political power. With economies in turmoil, in the midst of a stubbornly recessionary environment, resentment against "globalism," American influence, and property owners and producers is high. The perception that "neo-liberal" economics has been tried and failed can only lead to more political momentum shifting toward socialist experimentation and folk-hero autocrats on the model of Chavez and Lula, who thrive on denouncing the wealthy as the cause of economic instability and widening poverty.

All of this recalls the heady days of the 1980s when liberation theology was at its height in Latin American politics. Lead by theologian-intellectuals, the liberation theology religious movement allied itself with Soviet-backed political interests to call for revolution against the capitalist classes, and the expropriation of the expropriators in the name of Jesus. Pope John Paul II eventually led a campaign against the theological deviation and boldly stood up to would-be dictators in the region who used religion as a way of justifying their personal power. This time, redistribution, not revolution, is the watchword. Resentment is directed against globalization, not the commercial classes as such. The theology backing the new Latin leftism is more populist and nationalist than communist. It focuses on popular control of industry and welfare measures rather than wholesale looting. And, most importantly, because the new political trends do not play into an overarching global-political drama, hardly anyone is paying close attention.

In some sense, however, this increases the danger of these trends, if not for global political reasons, at least for the plight of all people in Latin America. The simple truth is that redistribution, centralization of power, expropriation of wealth, and the like will not raise the standards of living. Only market economics, more secure property rights, freer trade, and sounder currencies, can do that. Measures like disempowering owners of factories and farms, erecting protectionism in the name of combating globalism, and handing out more subsidies to people who vote in a leftist direction do not create wealth, but rather increase dependency and poverty. No economy has ever grown through statism. The best prescription is not intervention but the fostering of free trade and openness. But the first step is to understand the pending dangers that the new Latin leftism poses to democracy and freedom in Central and South America. To quote Russell Kirk, "a good-natured ignorance is a luxury none of us can afford."

No economy has ever grown through statism. The best prescription is not intervention but the fostering of free trade and openness.

The Rev. Robert A. Sirico is a Roman Catholic priest and the president of the Acton Institute.

“Therefore, since no one can transfer something that he did not have, it seems necessary that the right was held by private individuals before it was held by the commonwealth.”

—Hugo Grotius—