

# *TRANSCRIPT*

*Rev. Todd Wilken, Host*

+ + + + +

## **"Natural Law"**

**Guest:**

**Dr. J. Budziszewski**

**Professor of Government and Philosophy, University of Texas**

**3 July 2009**

+ + + + +

**WILKEN:** Well, we're coming up on the Independence Day holiday, and people think about their country. It's far more than flags and fireworks. We think about independence. We think about freedom. We think about liberty. We ought to be thinking also about law. We are, after all, as we say—or at least I hope we still are, as we say—a nation of laws and not of men. But what's the difference between being a nation of laws and a nation of men? And this concept perhaps almost forgotten in American law: natural law. Can a nation remain a nation of laws and not of men if it abandons both the concept, the reality and the contradiction that is natural law? We're going to be talking about that for this hour of *Issues, Etc.* I'm Todd Wilken. Thanks for joining us this Friday afternoon. It's the third of July. Joining us is a regular guest, Dr. J. Budziszewski. He's Professor of Government and Philosophy at University of Texas, and he's author of several books, including his latest titled *The Line through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction*. Dr. Budziszewski, welcome back.

**BUDZISZEWSKI:** I'm glad to be back.

**WILKEN:** Has both the theory, or the concept, and the fact of natural law been largely abandoned in American jurisprudence?

**BUDZISZEWSKI:** Pretty much. The authentic theory of natural law has just about disappeared. That's a great tragedy. The framers of our Constitution, the founders of our republic, believed in natural law. The Declaration of Independence spoke of the laws of nature and nature's God. They were not only acknowledging the natural law, but acknowledging who its author was. But our contemporary jurisprudence, our Supreme Court justices especially, the great majority of them, in the last quarter century, have debunked the idea completely. There is – sometimes what you do see is a corrupt, degenerate form of the idea of natural law. In *Planned Parenthood v. Casey*, for instance, which was a 1992 case upholding abortion, a plurality of the Court said, I quote – this is a crazy passage – they said, “At the heart of liberty is the right to define one's own concept of existence, meaning, of the universe and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.”

You know, that sounds pretty good, until you think about it. You have the right to define your own concept of existence? Look, if that means I can think whatever I please, it's perfectly true. But they were talking about acting on what you please, because this was a defense of abortion. So I have a right to act on my concept of existence. All right, according to my concept, you don't exist, so I can snuff you. According to my concept of meaning, your life has no meaning. That's essentially what they were saying. Now the funny thing is, in a degenerate sort of way, that is a natural law concept, but it's just not one that makes sense. They're saying there's a universal natural right not to have to acknowledge any other natural rights or any other natural laws. And so it's a self-contradictory idea of natural law.

**WILKEN:** You call it, I think, “radical self-sovereignty”...

**BUDZISZEWSKI:** Yes.

**WILKEN:** ...later in your book, and the insight that you just described, that naturalism, this kind of radical self-sovereignty – we're just monkeys hanging from the trees and we can decide what we do and what we can think – and classical natural law are both really theories of natural law, in a sense, but one comports with reality, the other one doesn't.

**BUDZISZEWSKI:** Well, naturalism, which is the idea that material nature is all there is, has – some proponents of naturalism have tried to turn it into a theory of natural law, and I think that they've failed. If nature is all there is, then that means that there really isn't any law, because mere math, mere energy don't have any qualities of rightness or wrongness. You need a thicker concept of nature in order to account for that.

As a matter of fact, you know, you could say, “Well, we're just monkeys hanging from trees, and so we get to do what we want.” If we're just monkeys hanging from trees, and that's all there is to it, it seems to me that you're not even entitled to the conclusion that you can do anything you

want. You can neither conclude that we can, nor that we can't, nor that we should, nor that we shouldn't. You're just nowhere if another monkey comes over to you, who's bigger and stronger than you are, and wants to shove your face in. Well, that's just matter in motion, right, of obeying its instincts, and so what are you going to say about it? The idea of getting a natural law from that kind of a foundation, I think, makes no sense at all.

You have to understand nature as creation, nature as designed, nature as having purposes built into it, a certain way in which it needs to be fulfilled, as indicating a path, a way that we have to live, before you can make, render it compatible with law.

**WILKEN:** Why is it important that we understand natural law as more than just a theory of law, but in fact also a fact of nature itself?

**BUDZISZEWSKI:** Well, if you said, "I've got a theory of law, but it doesn't have anything to do with reality, with the fabric, with the structure of the real world," well, then, why should I pay any attention to that theory of law? If right and wrong have any meaning at all, they have to be real things that are connected with the rest of reality. If you say, "I believe in natural law," what you're saying is, "Yes, that's right. Right and wrong really are connected with the rest of reality, because they're the law of our nature, they're the law of our creational design."

**WILKEN:** Why is it necessary, I mean, why can't we say jurisprudentially, in our everyday lives, any other way, "Come on, it's good enough that we have a commonly agreed upon general concept of good and evil, right and wrong, and it really makes no difference whether or not there's anything behind it. As long as we all commonly agree, we're, you know, we can trust one another"?

**BUDZISZEWSKI:** [Laughter] Well, suppose we tried that. Suppose we said, "Well, you know, we commonly agree." A natural law theorist says, "To the degree that we can achieve common agreements about things like the wrong of committing murder and the right of honoring your parents and the goodness of kindness and the evil of cruelty, to the extent that we can achieve agreements about that, it's because there is a natural law. It's because there is a law written on our heart. It's because this agreement doesn't just happen to exist. It reflects a real structure in reality that's inscribed right there in the deep structure of our moral intellects.

But if you say, "Agreement is all there is, and there's nothing that grounds that agreement," well, we might agree about something today, but disagree about it tomorrow. We might say – we might all agree, "Let's not hurt each other today," but tomorrow I might decide, "Well, you know, I want something you've got, and I guess I'm going to have to hurt you to get it." And so the agreement is simply gone, and you've got nothing left to ground your ethics. As a matter of fact, you've not even got any reason to complain there, because the complaint itself implies: if you're saying, "I complain about this." Why? "It's wrong" Well, yeah, but we've just said there is no real right, no real wrong, there's just agreement or disagreement. The person who thinks that way has lost his right to complain about the state of affairs as a result.

**WILKEN:** With about a minute and a half before we take our first break, Dr. Budziszewski, what is the relationship between natural law and conscience?

**BUDZISZEWSKI:** Well, let's think of it this way: if natural law is really the law of our creational design, that part of our creational design is the design of our mind, the design of our intellect, including our moral intellect. The deep structure of that moral intellect, the deep design of our moral intellect *is* conscience. That's one of the ways that the natural law is natural. One of the ways that it's natural is that it's written right into the structure of our minds, so that there are certain things about right and wrong that it's literally impossible not to know. You can't not know, for instance, that it's wrong to deliberately take innocent human life. Anyone with a normal mind knows that. I think of conscience as one of, and we can get back to this after the break, one of four, I like to call them, witnesses – testimonies – to the natural law that are built right into the fabric of creation.

**WILKEN:** When we come back, we'll talk about those four witnesses to natural law. Our guest: Dr. J. Budziszewski, Professor of Government and Philosophy at the University of Texas. He's

author of several books, including his latest, titled *The Line Through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction*. You can purchase *The Line Through the Heart* under the “On-Demand” page of our website: [issuesetc.org](http://issuesetc.org). Go to our website: [issuesetc.org](http://issuesetc.org). Click “On-Demand” and you’ll find a link to *The Line Through the Heart*.

When we come back, those four witnesses to natural law, and then we’ll have Dr. Budziszewski respond to some criticisms of natural law. One of them is, “Look, we are just gestalting all of this out of a blind and chaotic nature. Yes, there is a certain structure there that is the result of the randomness of evolution, but in the end we are pattern-seeking creatures and when we find patterns, even philosophical, what we think may be legal patterns in our minds or in nature, we just imagine natural law.” That’s one of the objections we’ll respond to on the other side of this break as we talk about law, on this Friday afternoon, July the 3<sup>rd</sup>, with Dr. J. Budziszewski. Stay tuned.

[Break]

**WILKEN:** Welcome back to *Issues, Etc.* I’m Todd Wilken. We’re talking natural law with Dr. J. Budziszewski, the author of the new book, *The Line Through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction*. Before the break we talked about one of, as you call them, one of the four witnesses to natural law, conscience. What are the others, Dr. Budziszewski?

**BUDZISZEWSKI:** The second witness is what you might call “designedness.” When we look at ourselves, we see that we’re designed. We’re not just a blooming, buzzing confusion. There’s pattern. There’s meaning to the way that we’re put together. It’s not just in us; it’s in external nature too. You look at the, as it’s been said, at the starry sky above. The psalmist spoke of the heavens and how they proclaimed their Creator even though had no voice, yet they spoke of their Creator. Well, that’s also true of the pattern that we find inside ourselves. Now if you recognize the “designedness” of things, that points to the Designer, and that’s a moral witness, because it tells you, “Okay, you weren’t made just for yourself, you don’t live just for yourself. As a matter of fact, you owe Someone big time for the very fact of your life, the very fact of your existence.”

It also means that since we were designed, our deep conscience is meaningful, it isn’t just an arbitrary fact about us, some little flotsam of meaningless information that washed up on the shores of evolution, that our conscience actually is telling us something about right and wrong. So this second witness, “designedness,” holds up the first witness too, conscience.

The third witness is the details of the design. I’ve mentioned one of those details, that’s conscience, but let’s think about some of the others. Consider, for instance, the fact that men and women, that human beings come in two kinds. There are men; there are women. And they aren’t just different, but they depend on each other. They are complementary. That’s the philosophical expression for it. It means that there’s something incomplete about the man. He needs to be balanced by the presence of women in the world. There is something missing in the make up of a man intellectually, spiritually, emotionally, physically, which has to be balanced by the woman. And that’s true of her too. So that the world – so that human existence comes into balance because there are two kinds of us. And it also has more color and more life in it because of that.

If you try to – you might think, well, what does that have to do with anything? Well, if you try to go up against that, if you try to live in a way that ignores our need for balance from the other sex, if you try to disregard the other sex, you’re going to have trouble. You’re going to misunderstand the nature of marriage. You’re going to misunderstand the nature of family. You’re going even to misunderstand your own nature, because you’re only half of humanity, you’re not all of it.

So we’ve got – what do we have so far? The first witness is conscience. The second witness is the “designedness” of things in general. The third witness is the details of the design. The fourth witness is natural consequences. It’s the fact that when we do flout our natural design, when we do try to go against the natural law, well, our creational design kicks back. It’s just like if you cut

yourself, you bleed. Well, that's not only a physical consequence, but if you, let's say you desert your wife and your kids, well, you'll have nobody to comfort you when you're old and lonely and sick. If you hop from bed to bed to bed, you're going to eventually lose the capacity for intimacy. If you betray all your friends, pretty soon you will have no friends. If you live by knives, you'll die by knives. If you try to construct a society in which fathers are unnecessary and have no meaning, you're going to have a lot of fatherless young males growing up who are going to be causing all kinds of problems for themselves and other people in society. So going against the natural law has natural consequences. And that's a witness to the reality of the natural law too. You might think of it, the final witness, as the witness of last resort, the witness that kicks in when you've ignored the first witness, conscience, when you've ignored the second witness, the "designedness" of things in general, and when you've ignored the third witness, the details of the design, natural consequences kicks back in. Some people call it the law of the harvest. As a man sows, so he will also reap.

**WILKEN:** I see that concept reflected in Luther's view, and it seems that although Luther is often slighted for having a low view of reason and of natural law, he seems to operate rather robustly in his thinking about the Commandments and especially about their civil application.

**BUDZISZEWSKI:** Yes, that's right.

**WILKEN:** He thinks in terms of natural law. It seems that's the framework for him.

**BUDZISZEWSKI:** Yes, he does. It's a common misconception that the Protestant Reformers, Luther and Calvin, had a very low view of natural law, that they didn't believe in it. But although a few misguided followers of theirs have taken that view, Luther and Calvin certainly didn't. They believed in natural law. Luther affirmed it explicitly. He said that – he echoed St. Paul and said that it is written on the heart. He said that if it wasn't written on the heart, it's hard to imagine how you could ever expect anybody to understand anything about right and wrong. And he said this is the explanation of why all nations do have some good laws. Despite sin they recognize that there are some things that are right and some things that are wrong. Murder is wrong, for instance. So, yes, he certainly did recognize this.

**WILKEN:** An objection that is often raised, I'd like your response to it and some others, about natural law is, you know, since we are pattern-seeking beings and we find patterns in nature all around us even when they don't exist, we're really only imagining this deep structure that people have called natural law. How do you respond?

**BUDZISZEWSKI:** Well, if somebody is going to say that all the moral patterns that we see in reality are just projections of our minds, that they're just imaginary, then I think it's cheating to stop with morality. Why should you just say the moral patterns are illusions? Why shouldn't you say that the physical and behavioral patterns and the mental patterns that you think that you perceive are illusions too? Why shouldn't you say that what the theorist himself has just said, that one of the patterns we observe is that people imagine patterns that aren't there, why shouldn't you say that pattern is another one of the ones that we're imagining, and so you don't know what you're talking about? That kind of an approach is ultimately self-undermining. It's like the – it reminds me in the Road Runner cartoons of the coyote running off the cliff and nothing is holding him up until he happens to look down and then he falls. Well, this kind of a theorist is floating in the air and he hasn't looked down yet, but he needs to because nothing is holding him up.

**WILKEN:** Another objection, Dr. Budziszewski, is that just because this may be a deep structure in nature around us, and even if there is a design that underpins this and a Designer, the fact that it is doesn't mean that it should be. "Is" does not necessarily necessitate "ought."

**BUDZISZEWSKI:** Well, let's think about it. This is an old saw. It's been around for a while. People say an "is" doesn't imply an "ought." And I understand why that has a sort of superficial plausibility. There are certainly some kind of "ises" that don't imply "ought." The fact that I have become angry and punched a man in the nose, doesn't mean that I should have punched him in the nose. But, on the other hand, the principles of our design, the principles of our flourishing,

which are facts about us, do imply something about how we ought to live. Now suppose that we did try to live consistently with this idea that an “is” does not imply an “ought.” How would we do medicine, for instance? It looks like we need to say things like this. We need to say, “Well, the purpose of the eye is to see. A good eye is an eye that can see well, because that’s what an eye is for, because that’s what a good eye is. If an eye doesn’t see well, we ought to try to help it to see better.” Suppose that you told your doctor, “Well, I know that my eye isn’t working well, and you say that the purpose of the eye is to see, but that’s really just in the eye of the beholder.” Or suppose that you said, “I know that you say that what my lungs are for is to oxygenate the blood and good lungs are lungs that do that well, but I think that that’s something that we imagine, and even if this was a purpose of it in some sense, well, you know, “ises” don’t imply “oughts.” The purpose from my point of view, my purpose in breathing is to get high by sniffing glue,” your doctor would laugh at you. All of these things do make sense, and we would have to totally revise the language. We would hardly be able to speak English anymore if we spoke the way that these “is”-does-not-imply-an-“ought” people wanted us to.

**WILKEN:** Dr. J. Budziszewski’s our guest. When we come back another 25 minutes with him. We’re talking about natural law this Friday afternoon, July the 3<sup>rd</sup>. He’s Professor of Government and Philosophy at the University of Texas. His latest book, *The Line Through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction*. He made reference early on in our conversation to the creep of American jurisprudential thinking. It’s not just a creep anymore. Natural law hardly has a place even in our law schools. And, interestingly enough, at the very inception of our constitution there were warning voices saying that the judicial branch was not in fact the weakest branch, but had the potential to be the strongest and least checked branch. And those predictions have come true. So, how do we get natural law back into our courts of law, and maybe even into the minds of our judges? We’ll be right back.

[Break]

**WILKEN:** Welcome back to *Issues, Etc.* I’m Todd Wilken, this Friday afternoon, the day before the Fourth of July when people think about their liberty and the nation that we are here in America, a nation of laws. We’re talking about natural law, a concept without which this whole idea of a nation of laws, not men, cannot survive. And we’re seeing it in action as we speak. Dr. Budziszewski, you write late in your book about a seminal moment in the Supreme Court, I think it was 1992, when this idea we discussed before, radical self-sovereignty, really came to the fore. And the warnings early in our nation’s history about what might become of our courts have become true. Talk about that, if you would.

**BUDZISZEWSKI:** Sure. I quoted a little while ago a passage from that Court decision, in which the Court said at the heart of liberty is the right to define your own concept of existence, of meaning, of the universe, and of the mystery of human life. Let’s think about that. What the Court meant by defining your own concept of human life wasn’t so much decided what to think, but deciding what to do. The idea is: because I have liberty to define my own concept of life, I may kill. I have a private right to use lethal violence against the unborn. Well, if you’re going to be logical, why would you limit that to the unborn? It would seem to follow that I can kill anyone whom I wish to kill. As a matter of fact, it would seem to follow that I may do anything that I may wish to do. So that is radical self-sovereignty.

Now for the time being the Court wants to resist that logical conclusion of its own premise. It’s given us a universal permission to do whatever we want, and yet in an arbitrary way it’s restricted that universal permission to the taking of life not yet born. It’s as though there were a king who said, “Everything is permitted.” But then he said, “But I decide for everyone what ‘everything’ includes.” So it’s a completely non-sensical concept of rights that we’re dealing with here. The philosophical background is radical self-sovereignty—I can do whatever I please—and yet what’s actually happening is that what you can do and can’t do is decided arbitrarily in a way that doesn’t really have anything to do with the Constitution by these jurors.

**WILKEN:** What is the concept of constitutionalism, and why is it so important that this concept

be both understood and retained in our Court?

**BUDZISZEWSKI:** Well, constitutionalism, which is also sometimes called the “rule of law” and distinguished from the “rule of men,” is the idea that the real authority of government—and I’m distinguishing its authority from its sheer power, its sheer ability to compel you to do something—is the idea that the real authority of government doesn’t depend on the personality of the rulers, but it depends on principles of right that are eternal, that are everlasting, that were there before you wrote your constitution. So what we call “the law,” you know, governmental enactments, the legislature passes this law and passes that law, that’s not the ultimate foundation of right and wrong. It’s merely an elaboration of these eternal moral principles in the light of the circumstances at hand. So the authority of the government depends on and is limited by this antecedent moral law, this moral law that came before the government and that both gives it its authority and also limits that authority.

**WILKEN:** You have some words of warning yourself about what even a good written constitution can be, I guess in the wrong hands or under the wrong concept of law. What are those warnings?

**BUDZISZEWSKI:** Well, one of the problems is this. You don’t want to misunderstand me here. I am for having a written constitution. I think it’s a good idea. I think it’s a good idea to put the limitations on what our government may do in writing so that you know what they are. But a certain problem can happen, and the framers did not anticipate this. Some of the anti-federalists who were against ratifying the Constitution anticipated this, but they weren’t taken very seriously at the time. The problem is this. If you write a constitution, okay, it says, “This is what the government can do; this is what it can’t do.” But now you’re calling it a law, right? You’re saying the Constitution is a higher law. If you now say, “Well, the laws are going to be interpreted by the courts, then you’ve just put an enormous power into the hands of the courts that the courts wouldn’t otherwise have. In the very act of trying to limit the whole government by writing down what it can and can’t do, you’re putting power *in* the hands of the courts to define the meaning of what those restrictions are. And if the court wants to disregard the spirit of the Constitution, as our Court has, it can expand those powers instead of contract them. It can pretend that the limits that are there aren’t there, and that limits that aren’t there are there. It can do all kinds of wild things.

I think that that’s the basis of – well, we spoke of abortion before. People speak of reproductive rights enshrined in the Constitution. The Constitution says nothing about reproductive rights. If it did, well, abortion certainly isn’t a reproductive right; it’s an *anti*-reproductive right. It’s a killing right. People speak about the Constitutional right of privacy. There are some details of privacy that are protected by the Constitution. For instance, you need a search warrant before you can go into somebody’s home. But there is no general right of privacy. The Court has also treated privacy as meaning something different than what it really means. If I say, “Well, you know, this is a private matter,” what I mean is that you’re not allowed to mess with this, to know about this. Okay? You can’t look through my windows. You can’t rifle through my filing cabinet. You can’t read my letters. That’s privacy. But what the Court seems to mean by “privacy” is not what you may know about my affairs, but what I may do, so that it says because of a right to privacy there’s a right to an abortion. That makes no sense.

So, you see, basically you’ve got a systematic effort here to simply distort the common sense meanings of the words that are in the Constitution in order to make the document mean what you want it to mean, in order to justify the things that you want to justify, and in order to suppress the things that you don’t like about that document. That’s what happens. And it’s an unexpected consequence of having a written constitution and then letting the courts interpret it.

**WILKEN:** Let’s come back to something we began with. I think you used the phrase, a well-known phrase, “nature and nature’s God.” Why was it for the framers something axiomatic that when they spoke of nature, they could speak of nature, to begin with, and then it would naturally follow that it would be “nature *and* nature’s God”?

**BUDZISZEWSKI:** Well, nature is not self-explaining. When we see the creation around us, we have to say, "What's the cause of this?" Everything that is, philosophers say, that's a contingent being, it doesn't have to be, requires a cause, or an explanation. The universe is not something that just had to be. So it requires a cause or an explanation. And if you follow that back to a cause, you can say, "Well, maybe it was caused by something, and that was caused by something else, and that was caused by something else." But an eternal regress doesn't make any sense. You've got to stop somewhere. You've got to have what philosophers call "a necessary being."

The framers were actually familiar with this philosophy, with this reasoning. It's very ancient. They understood that the universe can't explain its own existence, that there must be a Creator behind it, must be a cause for it. So if you were going to talk about the laws of nature, you couldn't stop there. You were going to say, "Since that nature is the production of an intelligent cause, an intelligent designer, the laws of nature are also the laws of nature's God."

**WILKEN:** Does this help explain the thing that we have not discussed really here at any length, and that is natural law not only as fact and theory, but as sign of contradiction, given that we are at odds with nature's God, therefore the law written in our hearts? We've got about a minute and a half before our break.

**BUDZISZEWSKI:** Yes, Todd, you're getting right to what the center of my own work is. You might think, "Well, all of this makes sense. This is all reasonable. It's even common sensical." So let's just talk about it. But the fact is that natural law is not only a fact; it's a fact that infuriates us. It's a fact that we don't like. It's a fact that we like to pretend that we don't know. It's a fact that the mention of which insults us. We want to say, "How dare you speak of a natural law? You can't tell me what to do. Nature can't even tell me what to do. I'm my own man." There's that old idea of self-sovereignty again, that we were speaking of before. We want – What's at the heart of that is that we don't want God to be God; we want ourselves to be God. Each one of us individually wants himself to be God, and so I think in order to really understand natural law at any depth, we're also going to have to understand why we struggle against it.

**WILKEN:** When we come back, we will talk about that fall. I was thinking about the Fall, the classic story of the Fall from the Genesis account, in terms of usurpation recently. What does Adam do? He tries to usurp God's place. And so what happens by way of curse, God say, "Alright, you want usurpation, you're going to get it. The ground over which I had given you dominion to bring forth the fruit of the ground, it's no longer going to obey you. It's going to bring forth thorns and thistles. The woman that I gave you, she isn't going to obey you either, and your natural relationship, your God-given relationship with her will be turned upside down. Everything turned upside down and usurped when man fell into sin. So although we can't stop hearing the voice of natural law, we nonetheless do our best to stop our ears or stuff them with something else, so that we don't hear it.

When we come back, more on natural law with Dr. J. Budziszewski on this Friday afternoon, July the 3<sup>rd</sup>. I'm Todd Wilken. This is *Issues, Etc.*

[Break]

**WILKEN:** Welcome back to *Issues, Etc.* I'm Todd Wilken. We're talking about natural law with Dr. J. Budziszewski. Before the break we kind of turned that curve toward the real problem for each of us as individuals when it comes to natural law, and you said it's a law that infuriates us. In your days as an atheist, Dr. Budziszewski, how did you react to the voice of natural law, and then how did you determine right and wrong?

**BUDZISZEWSKI:** Well, in those days I, having rejected the law Maker, having rejected belief in God, I thought, well, there couldn't be a law either. There isn't any real right and wrong, I thought. It was just something we made up for ourselves, we human beings. And so I was left with no way of making that distinction at all. Now that was a terrible situation to be in, because of course deep down I really knew that there was a right and wrong, I really know that there was good and evil. I loved my wife, for instance, I loved my children. I cared for them. But I would try



to tell myself that these were just arbitrary decisions and preferences of my own, and how can you even make sense of your own love that way? How can you make sense of human life? It was a rather terrible position to be in.

But it always surprises me that, I guess you might say, I was therefore an unhappy atheist, and I toughed it out. I thought the fact that it made me so unhappy didn't show that I was wrong. It just meant that the universe was meaningless and I was one of the tough ones who could live with that fact. It always surprises me that so many of our atheists take a more cheerful view of things. They seem to think that life can be without any meaning. But that's okay. That's fine. What they're doing is they're finding false meanings in atheism itself and in its promotion and various other kinds of things. But their meanings that, shall we say their meaningless meanings, they aren't grounded in anything and that isn't going to carry you very far.

**WILKEN:** In the consequence, in the civil and legal consequences of the abandonment of natural law, if it's replaced with, what you talk about, self-sovereignty and, the buzz word of the day, toleration, does that have the potential to lead toward totalitarianism?

**BUDZISZEWSKI:** Well, it does in this sense. If you – let's take what "toleration" means today. I do think that there is such a thing as a virtue of toleration. Everybody knows there are some bad things we should put up with. Sometimes it takes judgment to know which bad things we should put up with. There was an effort in the early 20<sup>th</sup> century to try to do away with the evil of public drunkenness, which is a real evil, by suppressing all public sale of alcohol. Well, that was overreaching. It didn't work. It brought about probably more evil than it actually put an end to. So we all recognize that there are some bad things that it's a better judgment to put up with.

But that's not the theory of toleration that we find preached today. What we find is a different one. The way that I was just speaking, you notice, requires you to judge what's good and evil. In order to say something like, "Well, drunkenness is an evil, but on the other hand, suppressing the sale of alcohol led to black market and corruption of the police force and so forth, and that was also an evil," you have to know what an evil is. But what people usually mean when they talk about toleration today is moral neutrality. They talk about suspending judgment, about not having any opinions about good and evils, that somehow tolerance is based on ignorance. It's based on not knowing what a good and an evil is, because we mustn't be judgmental, now, and we mustn't impose our values on anyone.

Now that's nonsense. If you really believed that, if you were neutral about everything, if you suspended all judgment about goods and evils, then you wouldn't even be able to say that tolerance itself was good. If you're in a situation where you can no longer make any judgments at all, you're opening yourself up for somebody else to make judgments for you. And oftentimes these people who preach this version of tolerance are making judgments about good and evil, but they're cloaking them, they're hiding them, in the language of neutrality so that you can't recognize them for what they are. That's a sort of a concealed form of dictatorship that I do analyze in the book.

**WILKEN:** Then, if we're going to return the concept of natural law to our society, to our courts, perhaps even to the minds of our judges, how do we make this case?

**BUDZISZEWSKI:** I think that the best way to make the case is to go back to the four witnesses that we were talking about before. You might say that what I call the four witnesses are four home truths that we all really know. We all really do recognize the reality and the meaningfulness of conscience. Well, all right, let's be explicit about that. Let's acknowledge it in our jurisprudence, in our theories. Let's admit that there is a real right and a real wrong. We all really acknowledge the "designedness" of things, and we all some of the details of the design. I mentioned, for instance, the complementarity of the sexes. All right, well then, let's have the courage to draw the implications from that. Instead of trying to blinker and blinder ourselves and pretend that we don't really see about ourselves the things that we really do see. And concerning the natural consequences of our choices, let's be realistic about that too. You know, even today people haven't totally overlooked the fact that there are consequences to our deeds.

But they try to pretend that they can make them go away, that with latex rubber, for instance, that you can completely separate sex from procreation. I'm sorry. The natural connections are deeper than that. You're not going to make the connections go away like that. And we have to bite the bullet and face these linkages.

So I would start with the four witnesses. I wouldn't start by hitting people over the head with a philosophy book anymore than I would start by trying to beat them over the head with a Bible. But as Paul did in the Bible when he was speaking with pagans in Athens on the Areopagus, he began with some things that they already dimly knew. And when we're speaking about conscience, we're doing that. When we're speaking about our designedness, we are doing that. When we're speaking about some of the details of our design, how we're put together, we're doing that. When we're speaking about the natural consequences of our actions, we're doing that. So it's a common sense way to begin to speak to our non-believing neighbors in the public square and slowly begin to edge us back toward recognition of the natural law.

**WILKEN:** Finally, then, with only 30 seconds, what is ultimately at stake? Why is natural law not only important, but vital to a free society? Thirty seconds.

**BUDZISZEWSKI:** Well, in the first place it's vital to any society, but in the second place, if we want to understand a free society, freedom means ultimately the freedom to be what we were meant to be, the freedom to be what we were designed to be, the freedom to live in a way that is fulfilling of human existence. If you try to do that in a way that butts your head against natural law, you're never going to achieve it. You won't have freedom.

**WILKEN:** Folks, when you purchase *The Line Through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction*, using the Amazon.com link at our website, a percentage of your purchase will help support the world-wide outreach of *Issues, Etc.* Go to our website, [issuesetc.org](http://issuesetc.org), click "On-Demand," and look for *The Line through the Heart* by Dr. J. Budziszewski. He's Professor of Government and Philosophy at the University of Texas. His latest book, *The Line through the Heart: Natural Law as Fact, Theory, and Sign of Contradiction*. Thank you very much for being our guest, Dr. Budziszewski.

**BUDZISZEWSKI:** Oh, it's been my pleasure. You know I'm always happy to be on your show.

**WILKEN:** Always happy to have you.

We never stop with nature. And I know that we continue to use that word "nature" and now it's come to mean the opposite of what it used to mean. "Nature" used to mean creation. Now it means something that isn't created, something that simply came into existence slowly over time. Do you see how what we've been talking about here, not only the common sensical, but the keeping in line with your conscience and the consequences concept of natural law cannot exist, cannot survive in a universe that is mindless, that is not designed and has no designer or God? Take God out of the equation and nature ceases to be nature. It just becomes process, mindless process. Take God out of the equation, and not only does the concept and the fact of natural law make no sense, nothing makes any sense. Take God out of the equation, and we not only forfeit natural law, we forfeit law, period. It's not just the law of the jungle. This is where we really need to make the case. If you take God out of nature and out of the equation, it's not law of the jungle; it's lawlessness. Now we have already fallen into lawlessness before, and we see around us the consequences of our actions every single day—our thoughts, our words, and our deeds. Which is why God does not simply stand aloof from His creation and allow Himself to be erased from the equation. He has invaded creation in the person of His Son Jesus Christ. And there He not only shows us the law; He keeps the law in our place, obedient unto death on a cross, so that we might have forgiveness of our sins. Without that God, there's not only no natural law. There's no law, period.

I'm Todd Wilken. Have a great Independence Day weekend. Talk with you again Monday on *Issues, Etc.*



+ + + + +

*Issues, Etc. Transcript – “Natural Law” – page PAGE 12*