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FOREWORD

These essays were delivered as a series of radio addresses in 1966 and 1967, over several stations from coast to coast. It would be wrong to say that they had a great popular reception, but, in all areas save one, the response was surprisingly good. These essays were written, not for broadcast, but for publication, as a summary statement of certain concepts of law and liberty.

Their radio broadcasting was in large part made possible by the underwriting of Mr. Paul R. Hackstedde of Arcadia, California, and their publication by the underwriting of Mr. Frederick Vreeland of Parsippany, New Jersey. Mrs. Arlene Gollnick of Orland, California, typed the manuscript. Mrs. Grayce Flanagan mimeographed copies of all these radio addresses for circulation. Mrs. Fleurette Edwards corrected the proofs, together with my wife Dorothy Rushdoony. I am very grateful to them for their help and for their concern for our common cause.

Rousas John Rushdoony

O N E

CAN WE LEGISLATE MORALITY?

An oft-quoted statement has it that we can't legislate morality. We are told that it is useless and even wrong to enact certain kinds of legislation because they involve trying to make people moral by law, and this, it is insisted, is an impossibility. Whenever various groups try to effect reforms, they are met with the words, "You can't legislate morality."

Now it must be granted that there is a measure of truth to this statement. If people could be made moral by law, it would be a simple matter for the board of supervisors or for Congress to pass laws making all Americans moral. This would be salvation by law. Men and nations have often resorted to salvation by law, but the only consequence has been greater problems and social chaos.

We can agree, therefore, that people cannot be *saved* by law, but it is one thing to try to *save* people by law, another to have moral legislation, that is, laws concerned with morality. The statement, "You can't legislate morality," is a dangerous half-truth and even a lie, because *all* legislation is concerned with morality. Every law on the statute books of every civil gov-

ernment is either an example of enacted morality or it is procedural thereto. Our laws are all moral laws, representing a system of morality. Laws against manslaughter and murder are moral laws; they echo the commandment, "Thou shalt not kill." Laws against theft are commandments against stealing. Slander and libel laws, perjury laws, enact the moral requirement, "Thou shalt not bear false witness." Traffic laws are moral laws also: their purpose is to protect life and property; again, they reflect the Ten Commandments. Laws concerning police and court procedures have a moral purpose also, to further justice and to protect law and order. Every law on the statute books is concerned with morality or with the procedures for the enforcement of law, and all law is concerned with morality. We may disagree with the morality of a law, but we cannot deny the moral concern of law. Law is concerned with right and wrong; it punishes and restrains evil and protects the good, and this is exactly what morality is about. It is impossible to have law without having morality behind that law, because all law is simply enacted morality.

There are, however, different kinds of morality. Biblical morality is one thing, and Buddhist, Hindu, and Moslem morality radically different moral systems. Some moral laws forbid the eating of meats as sinful, as for example, Hinduism, and others declare that the killing of unbelievers can be a virtue, as in Moslem morality. For Plato's morality, some acts of perversion were noble forms of love, whereas for the Bible the same acts are deserving of capital punishment.

The point is this: all law is enacted morality and presupposes a moral system, a moral law, *and* all morality presupposes a religion as its foundation. Law rests on morality, and morality on religion. Whenever and wherever you weaken the religious foundations of a country or people, you then weaken the morality also, and you take away the foundations of its law. The result is the progressive collapse of law and order, and the breakdown of society.

This is what we are experiencing today. Law and order are deteriorating, because the religious foundations, the Biblical

foundations, are being denied by the courts and by the people. Our American system of laws has rested on a Biblical foundation of law, on Biblical morality, and we are now denying that Biblical foundation for a humanistic one. From colonial days to the present, American law has represented Biblical faith and morality. Because it has been Biblical, our laws have not tried to *save* men by law, but they have sought to establish and maintain that system of law and order which is most conducive to godly society.

Now, our increasingly humanistic laws, courts, and legislators are giving us a new morality. They tell us, as they strike down laws resting upon Biblical foundations, that morality cannot be legislated, but what they offer is not only legislated morality but *salvation by law*, and no Christian can accept this. Wherever we look now, whether with respect to poverty, education, civil rights, human rights, peace, and all things else, we see laws passed designed to *save* man. Supposedly, these laws are going to give us a society free of prejudice, ignorance, disease, poverty, crime, war, and all other things considered to be evil. These legislative programs add up to one thing: *salvation by law*.

This brings us to the crucial difference between Biblical law and humanistic law. Laws grounded on the Bible do not attempt to save man or to usher in a brave new world, a great society, world peace, a poverty-free world, or any other such ideal. The purpose of Biblical law, and all laws grounded on a Biblical faith, is to punish and restrain evil, and to protect life and property, to provide justice for all people. It is *not* the purpose of the state and its law to change or reform men: this is a spiritual matter and a task for religion. Man can be changed only by the grace of God through the ministry of His word. Man cannot be changed by statist legislation; he cannot be legislated into a new character. The evil will or heart of a man can be restrained by law, in that a man can be afraid of the consequences of disobedience. We all slow down a bit on the freeway when we see a patrol car, and we are always mindful of

speed regulations. The fact of law and the strict enforcement of law are restraints upon man's sinful inclinations. But, while a man can be *restrained* by strict law and order, he cannot be *changed* by law; he cannot be saved by law. Man can only be saved by the grace of God through Jesus Christ.

Now humanistic law has a different purpose. Humanistic law aims at saving man and remaking society. For humanism, salvation is an act of state. It is civil government which regenerates man and society and brings man into a paradise on earth. As a result, for the humanist social action is everything. Man must work to pass the right set of laws, because his salvation depends upon it. Any who oppose the humanist in his plan of salvation by law, salvation by acts of civil government, is by definition an evil man conspiring against the good of society. The majority of men in office today are intensely moral and religious men, deeply concerned with saving men by law. From the Biblical perspective, from the Christian perspective, their program is immoral and ungodly, but these men are, from their humanistic perspective, not only men of great dedication but men of earnestly humanistic faith and morality.

As a result, our basic problem today is that we have two religions in conflict, humanism and Christianity, each with its own morality and the laws of that morality. When the humanist tells us therefore that "You can't legislate morality," what he actually means is that we must not legislate Biblical morality, because he means to have humanistic morality legislated. The Bible is religiously barred from the schools, because the schools have another established religion, humanism. The courts will not recognize Christianity as the common law foundation of American life and civil government, because the courts have already established humanism as the religious foundation of American life. For humanism *is* a religion, even though it does not believe in God. It is not necessary for a religion to believe in God to be a religion; as a matter of fact, most of the world's religions are essentially humanistic and anti-theistic.

The new America taking shape around us is a very religious America, but its religion is humanism, not Christianity. It is a very morally minded America, but its ethics is the new morality, which for Christianity is simply the old sin. This new, revolutionary, humanistic America is also very missionary-minded. Humanism believes in salvation by works of law, and, as a result, we are trying, as a nation, to save the world by law. By vast appropriations of money and dedicated labor, we are trying to save all nations and races, all men from all problems, in the hopes of creating a paradise on earth. We are trying to bring peace on earth and good will among men by acts of state and works of law, not by Jesus Christ. But St. Paul wrote, in Galatians 2:16, "Knowing that a man is not justified by the works of the law, but by the faith of Jesus Christ, even we have believed in Jesus Christ, that we might be justified by the faith of Christ, and not by works of the law: for by the works of the law shall no flesh be justified."

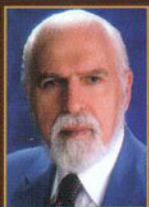
Law is good, proper, and essential in its place, but law can save no man, nor can law remake man and society. The basic function of law is *to restrain* (Rom. 13:1-4), not to regenerate, and when the function of law is changed from the restraint of evil to the regeneration and reformation of man and society, then law itself begins to break down, because an impossible burden is being placed upon it. Today, because too much is expected from law, we get less and less results from law, because law is put to improper uses. Only as we return to a Biblical foundation for law shall we again have a return to justice and order under law. "Except the LORD build the house, they labour in vain that build it" (Ps. 127:1).

Without law, no liberty is possible for any one.

All law is based upon morality, and morality is itself based upon religion. Therefore, when the religion of a people is weakened, so also is its morality undermined. The result is a progressive collapse of law and order, and the breakdown of society.

Men, though, see law as a limitation on their liberty, and Christianity is held to be the most restrictive with its emphasis upon Biblical law as the foundation for morality and liberty. Humanistic man wants total liberty, but he does not realize that total liberty leads only to total anarchy, and that leads to the death of law and liberty. Unless every man's liberty is limited by law, no liberty is possible for any one.

In this concise volume, R. J. Rushdoony expounds on the central themes of the application of Biblical law to every area of life. This book is a great starting point to understanding Rushdoony's larger expositions on Biblical law.



Rousas John Rushdoony (1916-2001) was a well-known scholar, writer, and author of over thirty books. He founded the Chalcedon Foundation, an educational organization devoted to research, publishing, and cogent communication of a distinctively Christian scholarship to the world at large. His writing in the *Chalcedon Report* and his numerous books inspired a generation of believers to be active in reconstructing the world to the glory of Jesus Christ. Until his death, he resided in Vallecito, California, where he engaged in research, lecturing, and assisting others in developing programs to put the Christian faith into action.

