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Theology Brief

ORDER

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This essay first observes the pejorative connotation of ‘order’ in contemporary Western culture, before proceeding to explain the Christian concept of created order and how it at once legitimates human orders and provides the ground on which to criticise them. The following topics are addressed: in what sense there is a hierarchy of being among creatures; how the intelligibility of objective order authorises rational exchange; how the created order of values generates natural moral law; how created order, qualified by salvation history, enables ‘tense consensus’; the Trinitarian implication of dynamic created order; the compatibility of created order and creative freedom; the relationship between moral law, social order, political order, and ‘positive’ law; moral law where political order is absent or unjust; moral law and international relations; and created order and the academic vocation.

1. Introduction

Modern Western culture warms to freedom and shies away from order. Whereas ‘freedom’ connotes liberation, exhilaration, and vitality, ‘order’ connotes oppression, constraint, and sterility. The reasons for this cultural bias lie in historical experience. First of all, there was the long history of endeavour in England, Europe and America—from the 13th to the 20th century—to curb and overcome political orders perceived to be tyrannical. Then, more recently, after the Second World War, there was the youth revolt against stifling class prejudice, social convention, and, above all, traditional Christian sexual morality.

Different histories, however, produce different biases. In China, for example, whose past is replete with periods of bloody anarchy, ‘order’ tends to mean political stability, the absence of the threat of arbitrary non-state violence, and the peaceful opportunity to plan and build a prosperous material life. By the same

token, ‘freedom’ is disturbing and suspect. Confucian philosophy embodies this perspective in its high esteem for tradition and convention, and its subjection of the individual to the requirements of the community.

Christianity’s view of order is nuanced. On the one hand, the world is understood as the creation of a rational Creator. Therefore, it is intelligible: there are given structures, patterns and regularities—orders—that are objectively present for rational creatures like human beings to grasp. Among these are physical, biological, and social orders. But there is also one of values, which provides a framework for human choices and dignifies them with moral significance.

On the other hand, within this framework there remains scope for individuals to choose freely which values to concentrate their lives upon, and how to defend and promote them, under prevailing circumstances—be they historical, cultural, political, economic, or environmental—and according to personal talent and taste. Moreover, this divinely created order of values, and the moral principles and rules it generates, comprise the basis of criticism of all human social and political orders, subject as they are to sinful corruption and distortion. The Creator and his creatures—*a fortiori*, his sinful creatures—are not identical and should not be confused. The divinely created order is one thing; human orders are another. The two are not the same and the latter cannot automatically claim the authority of the former. Judged in the light of divine order, any human order might be found morally wanting.

In the essay that follows I will identify and discuss the main features of ‘order’ that come into focus from a Christian theological perspective. Since I am a *moral* theologian, whose interests and training concentrate on the moral or ethical dimension of theology, I shall have more to say on the ethical dimensions of the topic than on others. Had I been a *philosophical* theologian, I might have spent more time discussing physical, logical, or mathematical order. Unavoidably, the treatment of the topic that I offer here is constrained by the limits of my competence, although I have sought to test those limits, so as to make what I write relevant to as many academic disciplines as possible. Besides, since the main concern of biblical and subsequent Christian tradition is the salvation of God’s creatures—especially, his human creatures—from the ravages of sin, it is not inappropriate for a theological treatise to focus on human agency and on what we humans ought, and ought not, to do in response to the creative and redemptive action of God.

2. God’s creation has a hierarchy of being

God’s creation encompasses the whole world, not just the human part of it. According to the first creation story in the book of Genesis, *all* of creation was beheld as good—as having value—in the eyes of God. Since they have value in God’s eyes—and not merely human ones—non-human creatures have a worth that is somewhat independent of human uses. Yet, the first creation story in the book of Genesis is quite clear that plants and animals exist, in important part, to provide sustenance for human beings: “Then God said, ‘I give you every seed-bearing plant on the face of the whole earth and every tree that has fruit with

seed in it. They will be yours for food. And to all the beasts of the earth and all the birds of the air and all the creatures that move on the ground—everything that has the breath of life in it—I give every green plant for food'" (Genesis 1, 29-30 NIV).

In God's creation there is clearly a hierarchical order, at whose apex human beings stand: "Then God said, 'Let us make man in our image, in our likeness, and let them rule over the fish of the sea and the birds of the air, over the livestock, over all the earth, and over all the creatures that move along the ground'" (Genesis 1.26 NIV). This view is not compatible with that of 'deep green' environmentalists, who hold to a radical ontological egalitarianism, that is, the view that all forms of being are basically equal. But nor is it compatible with andro-centric instrumentalism, that is, the view that non-human creation is available for humans to use just as they please. For, since the whole of creaturely hierarchy is subordinate to the Creator, human beings stand under God. Therefore, the dominion that they exercise over non-human creatures is delegated, subject to the Creator's values and intentions, and so accountable to his moral law. Their rule is that of a responsible steward, not an untrammelled tyrant.

3. Monotheism entails the intelligibility of created things, which authorises rational exchange

"Hear, O Israel: The Lord our God, the Lord is one!" (Deuteronomy 6.4 NIV). According to biblical tradition, God is one. That means two things: first, there is one good God, unrivalled by any evil opponent; and second, this God is internally coherent or rational. When the one, rational God comes to create the world, he does so by distinguishing and ordering what he creates: God "separated the light from the darkness.... God ... separated the water under the expanse from the water above it" (Genesis 1.3, 7 NIV). That is to say, the created world reflects the coherence, the rationality, the beauty, the order of the Creator. Monotheists, including Christians, have dogmatic reasons for assuming that the world is basically and constantly ordered and so, in principle, intelligible by human minds or 'rational'. There are truths about reality that can be grasped. This assumption is basic to the natural sciences and should be basic to all academic endeavour.

Understood in this light, academic work is fundamentally about discerning the truth about reality. The truth has to be discerned, because it is not always obvious. Sometimes reality is complicated and the complication challenges the limited powers of human comprehension. Sometimes human comprehension is not merely limited, but also distorted by sinful interests or prejudices. Some truths—say, about biological or social reality—are too uncomfortable to acknowledge; some distortions of the truth—say, about race or colonial history—advance careers. Therefore, the process of discerning the truth of things requires the virtues of humility, critical self-reflection, and openness to correction. It requires giving reasons, testing them, and learning from the results.

One implication is clear: academic work is necessarily social. We need other people to test our reasons, to propose new ones, and to help us learn. We also need other, reason-giving people who share with us a

common recognition of the basic goal of our endeavours and of the moral duty to exercise the virtues required to achieve it. We need a moral community.

This Christian vision of academic work as virtuous rational exchange is not universally shared by those who work in higher education. Under the influence of Marxisant post-modernist philosophy—especially Michel Foucault (1926-84)—many are wont to view the reasons of others as merely the disguises of unjust power. Accordingly, reasons offered by academics supposed to be sitting in positions of privilege—be it of class, race, or gender—are not to be taken at face value, since they are merely the rationalisations of unjust interests. So, instead of subjecting the 'reasons' to rational testing, the rationaliser is subjected to personal attack and political manipulation.

Of course, from a Christian point of view, it is more than possible that reasons given are the servants of sinful interests, perhaps rationalising unjust privileges on the one hand or unjust reparations on the other. [1] Given the universality of sin, that will often be the case. The Enlightenment's modern faith in the purity and univocity of reason is indeed naïve. However, sinful distortion applies to *all* reasons—reasons offered by *any*one—since "*all* have sinned and fall short of the glory of God" (Romans 3.23 NIV). It applies equally to modernists and post-modernists. The problem with the latter is that their cynicism is almost invariably directed elsewhere at selected others, never self-reflexively at the post-modernist. Sin always lies *over there*, never *in here*. Consequently, the post-modernist's self-righteousness dispenses her from having to answer counter-reasons. It renders her unaccountable. By the same token, it tends to make her authoritarian, intolerant, and disposed to patronise and abuse others.

4. How the benevolence of God generates a created moral order whose basic elements are human goods

The order which the one God impresses on the created world is not merely physical, but value-laden. Contrary to materialist philosophy, the Christian world-view holds that value is not reducible to matter, but co-original with it. [2] The biblical Creator is identical with the divine Redeemer of the Hebrews from slavery in Egypt, and is assumed to be benevolent, willing what is good. Accordingly, the creation narrative in the book of Genesis tells us, repeatedly, that what God created was 'good' (verses 4, 10, 12, 18, 21, 25, 31). What is good is the foundation of moral order, since morally right behaviour defends or promotes what is good, while morally wrong behaviour damages it. What is good (or 'the Good') is the state in which a being flourishes as the kind of being it is. Different species flourish in different ways: what satisfies a rabbit will not satisfy a human being.

The co-originality of matter and value militates against the idea that human beings are, at base, motivated simply by the desire for physical survival and material betterment. However true that may have been of their origins, it is evident that human beings have genuinely evolved, so that now we are creatures that care about a range of goods—not just material ones, but also immaterial ones. We are sometimes willing to forego food and sleep in our pursuit of the truth, and we are sometimes willing to risk our lives—and

lose them—for the sake of justice. During the English Civil War, Thomas Hobbes (1588-1679) was composing his famous book, *Leviathan*, in the armchair safety of Paris, while his one-time friend and host, Lucius Carey, 2nd Viscount Falkland, was back in England, fighting for King Charles. At the end of the battle of Kineton (or Edgehill) in 1642, Falkland interposed himself between his own victorious royalist comrades and a group of surrendered parliamentarians, to stop the former slaughtering the latter. That is to say, propelled by an overriding love of charitable justice, he risked his own life, not to save his progeny or his kin, nor even to save his friends or his allies, but to save a group of strangers and enemies. Thus, he gave the lie to Hobbes' cynical view of humans as driven basically by the fear of physical pain and death. Immaterial goods such moral integrity, the virtue of charity, and relations of justice can be very powerful motives. That is an empirical truth that social scientists, political philosophers, historians, and others in thrall to materialist metaphysics overlook.

How do we know what human flourishing and its component goods consist of? In three ways: empirical observation, analytic self-reflection, and special revelation.

Empirical Observation

Since Christians have dogmatic reasons to believe that the world is a coherent whole, they believe in a universal order of value. Accordingly, they will expect to be able to observe the same basic values in different societies at different times and places. And this expectation is not disappointed: for example, all societies recognise the special value of human life by imposing laws that prohibit its taking except under special circumstances (although they may differ in their definition of 'human' and the exceptions to the rule); and all societies recognise the value of aesthetic experience by adding decoration to functional objects or by displaying works of art (although cultures may differ in their conceptions of beauty). Empirical observation, therefore, can help us identify the components of human flourishing or human goods.

Analytic Self-Reflection

In addition, analytical self-reflection can also reveal them—as the Roman Catholic legal philosopher, John Finnis (1940-), has argued. [3] If we take any action that we are engaged in and interrogate its motives, we shall eventually hit bedrock in the form of one or more basic human goods. These goods are basic in the sense that their value is so self-evident that further interrogation seems absurd. Take this essay. Why am I writing it? Not for money, with which to buy food and drink and keep body and soul together, since no one is paying me and my bare words will not feed me. Proximately, I am writing to fulfil a promise I made. But we can dig deeper yet. Why did I make this particular promise in the first place? I did it, in order to work out and explain the world's ordering by God. But why did I want to do that? Because knowledge of the truth is important, and knowledge of *this* truth is especially important. Thus, we hit bedrock: the basic human good of knowledge of the truth. We need interrogate no further.

Special Revelation

Empirical observation and analytical self-reflection will help to reveal the basic components of human flourishing. But since human cultures are subject to sinful distraction and distortion, we also need means of confirmation and correction. Here 'special revelation'—that is, biblical tradition and subsequent Christian reflection on it—comes into play. Christians have always differed about the extent to which 'general revelation' through rational comprehension, observation, and self-reflection can be trusted. Martin Luther (1483-1546) was extremely sceptical about the capacity of reason, unaided by special revelation, to speak the truth—as was Karl Barth (1886-1968) during the period of his 'theology of crisis' when he was reacting fiercely again his liberal theological heritage. [4] Yet, Luther's younger collaborator, Philip Melanchthon (1497-1560), based his ethics very heavily on Aristotle (384-22 BC), and Barth in later years was happy to 'annex' the deliverances of non-Christian reason, provided that they were duly filtered through Christian theological premises. [5] Thomas Aquinas (1225-74) got it right, I think, when he described the relation of special revelation to general revelation as one of confirming, supplementing, and correcting. [6] Sometimes biblical tradition merely confirms what reason already affirms—say, that marital constancy, providing stability for the upbringing of children, is a basic human, social good. Sometimes tradition supplements reason—say, adding friendship with God to Aristotle's conception of the good life. And sometimes, tradition corrects reason—say, by contradicting a narrow social or racial definition of what is 'human'.

5. How basic human goods generate natural moral law

Goods are the fundamental principles of a moral system, being logically prior to moral rules of conduct. Morally right conduct promotes the goods; morally wrong conduct detracts from them. This priority is important, partly because it is otherwise impossible to explain satisfactorily why moral rules carry the authority that they do and why it is that one should heed them. Moreover, it prevents moral rules from being perceived in ultimately negative terms as constraints that simply weigh down and frustrate. If they do frustrate in the short term, it is only with a view, ultimately, to realising human flourishing. Shouldering moral obligations may be a burden but, ultimately, they are means of salvation. In case our view of the Bible's contribution to Christian ethics is too fixated upon the Ten Commandments or even on Jesus' summary double love commandment (Matthew 22.37-40), we should remember that before God gave the law to Moses on Mount Sinai, he first granted the Hebrews liberation from Egypt. We should also remember that it was Jesus himself, who said, "the sabbath was made for humankind, not humankind for the sabbath" (Mark 2.27 NRSV).

The body of moral rules is the moral law—or, as Roman Catholics commonly know it, the natural law. Monotheists, therefore, are led by the logic of their theology to believe in a created, given, natural, objective moral order, comprising basic human goods and moral law. This order is objective in the sense that it precedes, frames, and endows with moral weight the subjective choices of human creatures. This is the created, natural law to which St Paul alludes, when he writes that "Gentiles, who do not have the

[revealed] law [of Moses], do by nature things required by the law.... they show that the requirements of the [Mosaic] law are written on their hearts" (Romans 2.14-15a NIV).

Since this moral law is given in and with the created world as a whole, it is universal. Access to it, therefore, is possible in principle for anyone, regardless of time, place, and religious or philosophical commitment. In practice, of course, that access is hindered by the creaturely limitations of human reason and especially by its sinful distortion. However, unless one believes that such sinful distortion is absolute, and that apart from the grace of special revelation no true moral knowledge at all is possible—and few Christian theologians have held consistently to that position—then we should expect to find some accurate grasp of the natural moral law apart from the people of God. Indeed, the Bible itself did find that, when the authors of the Wisdom Literature in the Old Testament borrowed liberally from Egyptian sources, or when the authors of New Testament epistles incorporated conventional Roman morality into their so-called 'household codes' (e.g., Ephesians 5.22-6.9; Colossians 3.18-4.1). More recently, when I attended a conference on "War and Peace, East and West" in Hong Kong in 2013, I discovered that ancient and medieval Confucian ethics of war affirmed several of the principles articulated by Christian 'just war' reasoning, despite the fact that the Confucian and Latin Christian traditions had developed entirely independently of each other until the modern period. In other words, they had arrived at very similar moral conclusions by completely separate routes. Confucian thinkers had not needed the Bible to put their fingers on the pulse of some moral truths.

6. How 'tense consensus' about moral matters between Christian and non-Christians is possible

The created, given, objective moral order, therefore, does offer the possibility of a measure of moral consensus across cultures, and between Christians and non-Christians. However, whatever consensus emerges will be imperfect and tense, containing significant points of disagreement. [7]

For example, Christians will recognise the basic human good of friendship with God, which atheists will deny. And Christians' view of the kinds of action that defend and promote the goods will be refracted by their theological lens, in particular their belief in the universality of sin and God's saving activity. So, in contrast to Immanuel Kant, who regarded specifically religious practices as distractions from the moral task, they will put acts of worship at the heart of their ethic. The confession of sins, participation in the eucharistic reprise of the Last Supper, commemoration of the crucifixion of Jesus, celebration of his Resurrection, and prayer for the final coming of God's kingdom will be viewed as essential spiritual remedies, which enable sinners to defend and promote goods. These remedial spiritual practices in general will entrench the idea, notwithstanding Aristotle, that humility is an obligatory virtue. In particular, contemplation of the Cross will make patience in suffering, not martial valour, the paradigm of the virtue of fortitude; and receiving the bread of fellowship from the about-to-be-betrayed Christ will dispose the communicant to put forgiveness (in some sense) at the heart of doing justice.

Since all human beings exist in the one world of God's creating, subject to the same universal divine order, some consensus about what is good and right is to be expected and can be found. International agreements and institutions and cross-cultural enterprises, therefore, may involve common moral elements. However, Christians' view of the human condition and belief in God's saving activity occasion specific understandings of human goods and virtues, which not everyone will share. Cross-cultural or public agreement, therefore, will always contain a measure of disagreement. Consensus will be tense.

7. Trinitarian monotheism entails a created order that is dynamic

Christians are, like Jews and Muslims, monotheists. Unlike Jews and Muslims, however, they are trinitarian monotheists. The one God is triune, comprising Father, Son, and Holy Spirit.

Since the 1980s, 'social trinitarians' such as Jürgen Moltmann (1926-) have proposed the divine Trinity as the epistemological basis for a thoroughly social, anti-individualist understanding of human existence—human beings as always individuals-in-community. I myself doubt that trinitarian monotheism is the original source of our knowledge of the properly communal form of human life. After all, Aristotle described us as social animals several centuries before the doctrine of the Trinity was articulated. Further, thinking of the three 'persons' of the Trinity as distinct individuals does not quite square with the orthodox formulation.

Nevertheless, the doctrine of the triune God does tell us that the Alpha and the Omega, the Beginning and the End of all things, is much more like a community than an isolated monad. The divine unity contains plurality and, with it, the vitality of free interaction. And since the creation reflects its Creator, the created order is not a silent, barren thing, but contains—both limiting and including—plurality, vitality, and freedom. God's order is not dead; it is dynamic.

8. Created order is compatible with creative freedom

Order need not be at odds with freedom. In the material dimension, physical laws accommodate quantum randomness. In the aesthetic dimension, familiarity with natural patterns and conventional rules is requisite for successful improvisation. In the value dimension, the moral order does not stifle human freedom. On the contrary, it provides a given framework that endows free human choices with meaning. As the Roman Catholic philosopher, Charles Taylor (1931-), has written: "Even the sense that the significance of my life comes from its being chosen ... depends on the understanding that independent of my will there is something noble, courageous, and hence significant in giving shape to my own life.... Horizons are given". [8]

Moreover, the givenness of human goods and consequent moral rules does not determine the application of those rules to particular circumstances. That task remains open for morally responsible human beings to perform by the free and creative use of their reason in making judgements. The making of moral

judgements is often more than merely a mechanical exercise of applying ready-made rules to cases. Moral rules are always formulated with paradigmatic cases in mind—unequivocal examples of murder or lying, say, where the wrongness of the act is straightforwardly clear. But life often presents us with circumstances that contain features where the obvious wrongness is absent—as in cases of voluntary euthanasia motivated by compassion, say, or of hiding the truth from someone who would use it to harm others. Faced with such cases, we cannot mindlessly apply the ready-made rule, because the circumstances force us to judge whether what we have here is really a case of murder or lying at all. And that requires us to think about what exactly is meant by 'murder' or 'lying', and what exactly is supposed to make them wrong. The upshot of this process of critical reflection may be that we refine or qualify the inherited moral rule. But whatever the conclusion, the process itself involves, not just blind following and mechanical application, but creative re-thinking and re- imagining.

So, for example, one implication of this is that human rights lawyers and advocates should be sensitive to the contingency of human rights upon political, social and economic circumstances. So when, as in post-genocidal Rwanda, sufficient lawyers cannot be obtained, prisoners awaiting trial are dying in over-crowded prisons, and there is an urgent need to speed up the processing of cases, they should recognise that it would be imprudent to insist that the right to a fair trial must include access to legal counsel. [9]

9. Moral law authorises a social order that contains both equality and hierarchy

In biblical tradition there is a strong egalitarian refrain. All human beings are made in the image of God. All humans are equally children of God and sinners standing in need of God's grace. According to St Paul, "[t]here is neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus" (Galatians 3.28 NIV). This might seem consonant with the absolute antipathy toward hierarchy that is found among some feminists, and therefore in the academic study of gender. There, hierarchy is assumed to embody unequal power and therefore oppression.

However, biblical tradition and Christian theology take a more nuanced position. First of all, there is the basic relationship between the Creator and his creatures, which is one of ontological and moral inequality: the latter are unequal to the former in power, wisdom, and moral integrity. Further, in a sinful world, where some are inclined to abuse others, there is a need for a state to create and uphold law, in order to protect the innocent: rulers necessarily stand in an unequal relation to the ruled. Further still, although everyone is equally a sinner, virtue is unequally distributed.

In addition, general human experience tells us that any large and complex human association has to develop a division of labour, which naturally organises itself into a hierarchy, with directors at the top and executors below.

So, as I read it, Christian theology cannot regard all forms of inequality as unjustified and all forms of hierarchical organisation as oppressive. That said, it does require those at the top of any hierarchy not to

abuse their position by lording it over others, but instead to treat those functionally ‘beneath’ them with a certain respect. Thus St Paul exhorts the Christians in Philippi, “Your attitude should be the same as that of Christ Jesus: Who, being in the very nature of God, did not consider equality with God something to be grasped, but made himself nothing, taking the very nature of a servant, being made in human likeness” (Philippians 2.5-7 NIV). And when, in his first letter to the Corinthian Christians, he famously likens the Christian community—and thereby the ideal human society—to a physical body, he at once affirms hierarchy and equality:

> For just as the body is one and has many members, and all the members of the body, though many, are one body, so it is with Christ. For in the one Spirit we were all baptized into one body—Jews or Greeks, slaves or free—and we were all made to drink of one Spirit.
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> Indeed, the body does not consist of one member but of many. If the foot would say, “Because I am not a hand, I do not belong to the body”, that would not make it any less a part of the body. And if the ear were to say, “Because I am not an eye, I do not belong to the body”, that would not make it any less a part of the body. If the whole body were an eye, where would the hearing be? If the whole body were hearing, where would the sense of smell be? But as it is, God arranged the members in the body, each one of them, as he chose. If all were a single member, where would the body be? As it is, there are many members, yet one body. The eye cannot say to the hand, “I have no need of you”, nor again the head to the feet, “I have no need of you”. On the contrary, the members of the body that seem to be weaker are indispensable, and those members of the body that we think less honourable we clothe with greater honour, and our less respectable members are treated with greater respect; whereas our more respectable members do not need this. But God has so arranged the body, giving the greater honour to the inferior member …. (I Corinthians 12.12-25, NRSV)

There is certainly hierarchy here: some members are heads and eyes, others are hands and feet; some direct, others execute; some are higher, others lower. If everyone tried to direct, there would be at once cacophony and total ineffectuality. To function at all, there has to be a hierarchical division of labour. That said, every member is equally important to the optimal functioning of the whole. And that is what those at the top most need to remember: that those beneath them are equally indispensable.

We find the same line of thinking in St Paul’s letter to Philemon. Philemon’s slave Onesimus, has run away to Paul. Paul has decided to return him, thus respecting the institution of domestic slavery. Yet, in doing so, Paul urges Philemon to receive Onesimus back “no longer as a slave, but better than a slave, as a dear brother” (Philemon 1.16 NIV). Functional hierarchy is morally unobjectionable, so long as functional superiors regard functional inferiors fraternally.

10. Human law and political order are subject to divinely created moral law

Christians are not Hobbesians. According to Thomas Hobbes, there is neither morality nor justice before humans enter into social contracts; there is only the drive for self-preservation and the war of each against all. (Hobbes muddies the waters here by calling this drive a 'natural right'. But since, as he has it, there is no natural morality, the word 'right', with its connotation of moral authority, is a confusing misnomer.) This vision of the human condition is fundamentally amoral. In contrast, as we have seen, Christian monotheism implies a universal moral order or natural law that exists where there is no contract. Morality does not follow social contracts; being based on the created order of value, it precedes them. This view is typical of the natural law thinking that can be found in Thomas Aquinas, through the Salamancan Scholastics Francisco de Vitoria (1483-1546) and Francisco Suarez (1548-1617), to the Arminian Calvinist Hugo Grotius (1583-1645) and the Anglican John Locke (1632-1704).

Humanly posited ('positive') law is the product of a society and so follows the making of a social contract. From a Christian point of view, positive law is not the beginning of morality or justice; rather, it is accountable to them—primarily through the operations of individual conscience. There can, therefore, be such things as an unjust law and morally justified transgression of it.

Even when law is not unjust, it will often not mirror natural morality exactly. That is partly because law is the product of a political process, which usually involves compromise. It is also because, were all immorality to be prohibited by law, the state would be accorded the dangerous authority to intrude intimately in the lives of citizens. It would also be burdened with a massive task of policing that would be practically impossible to discharge. Therefore, for example, while the law might prohibit speech that incites hatred on the grounds of race, religion, and sexual orientation, it wisely does not prohibit other immoral speech that is gratuitously insulting or provocative, or that deliberately misrepresents what other people have said or written. Even just laws rightly allow immoral conduct.

11. Moral law remains authoritative when political order is absent or unjust

Even where there is no positive law or where that law is ineffective—say, in the case of a failed state—the natural moral law remains. And where that commands the moral consciences of human beings, it has the power to constrain and guide. However, as biblical and Christian tradition lead us to expect, and as experience surely confirms, consciences, being sinful, are often not as sensitive as they should be. For that reason, in the absence of law, police, and courts, the protection of the innocent from abuse is much weaker.

The transcendence of the moral law also makes possible prophetic criticism of existing political order and resistance to positive law. This is because it provides a higher, moral authority to which critics of positive law can appeal, and which can provide moral justification for the defiance of such law—which defiance is positively, but not morally, illegal. Accordingly, Thomas Aquinas in the 13th century affirmed the possibility

of resistance to tyrants, and the Reformers in the 16th century endorsed the possibility of morally justified rebellion and regime-change.

However, since sheer anarchy permits the strong to oppress the weak with impunity, prudence may oblige the tolerance of a regime and laws that, while unjust, are not gravely so. And even when the injustice is grave enough to warrant resistance, rebellion should be carried out—according to the Lutheran Magdeburg Confession of 1550—under the control of 'lesser magistrates'. Writing in the light of German attempts to dislodge the Nazi regime in the 1930s and '40s, the Lutheran theologian, Helmuth Thielicke, stipulated that rebellion is only justified when the rebels have an alternative government ready-to-hand. [10] Resistance to unjust order—whether in the form of civil disobedience of the law or armed revolt—may be morally justified, but it must avoid giving rise to sheer, anarchical disorder.

12. International law, while important, may be trumped by moral law in international relations

As with positive law, so with international law: even where there are no contracts, treaties, or conventions between different states—where there is no international law—moral law still obtains. Insofar as this law commands the consciences of national leaders, it introduces a measure of order to relations between states. However, since the consciences of political leaders can be dull as well as sensitive, states sometimes fail to do as they should and do as they should not. They cannot always be relied upon to do what natural moral law obliges. Conscience, though not always at fault, cannot be relied upon. For that reason, effective international order requires the additional constraints of international law, whether in the form of a consensus of opinion, the harder form of custom, or the hardest form of treaty.

Since cooperation, predictability, and trust are important instrumental goods in international relations, upholding the authority of international law is important. Since there is no global government, and since the United Nations has no standing army with which to enforce the law, that authority depends very heavily on the widespread willingness of states to respect the law, whether out of a sense of personal integrity or because of the diplomatic value of being regarded as trustworthy. If one state should decide to take the liberty of breaking the law and jettisoning its constraints, other states will begin to wonder why they should continue to put up with them. And if a sufficient number of powerful states abandon those constraints, the law's authority will collapse, it will become a dead letter, and international relations will enter a dangerous era of high unpredictability, low trust, and extraordinary susceptibility to armed conflict.

Nevertheless, it remains true that positive international law is not the last word, and that natural moral duty may sometimes justify its transgression. This receives recognition among lawyers in the form of the concept of *ius cogens*, that is, overriding or 'compelling' law. For example, there may be occasions when the UN's Security Council fails to authorise military intervention to halt very grave injustices such as ethnic cleansing or genocide, which threaten regional stability, but such intervention is nevertheless widely regarded as a moral imperative. This is what happened in 1999, when Russia, because of its cultural ties to

Serbia, threatened to veto NATO's military intervention in Kosovo, to prevent the ethnic cleansing of Kosovar Muslims, but NATO, involving nineteen states, intervened anyway. As the eminent Finnish international legal expert Martti Koskenniemi commented, "most lawyers— including myself—have taken the ambivalent position that [NATO's intervention] was both formally illegal and morally necessary". [11]

13. Since academic endeavour is properly about the discovery of the truth, Christian academics will cultivate intellectual virtues

The existence of a given, created order—be it physical or aesthetic or moral—implies that academic endeavour is properly about the discovery of the truth of reality as given by God. Of course, academics are sinners, just like everyone else. Consequently, their pursuit of truth can be corrupted by insecurity and the lust to dominate. It can be corrupted by selfish interests in maintaining or increasing economic, political, and social power, as postmodernists remind us. It can also be corrupted by the ordinary ambition to advance one's career.

Christian academics, however, at once aware of their creaturely responsibility under God's created moral order and of their sinful failure to meet it, will be careful to cultivate—not least by their own example—the intellectual and academic virtues of humility (regarding the limits of their own knowledge), docility (or the readiness to learn), patience (in discerning the truth), justice (to what other people say), charity (toward unwelcome views), and courage (in asserting unpopular truths). Above all, Christian academics will remember that an academic career is a vocation to discover the truth in cooperation with others, not an opportunity for the proud and intimidating assertion of the ego.

In so doing, Christian professors will bear witness to the moral order that God has created. And where—as in most contemporary universities—the cultivation of virtue is neglected, that witness will be prophetic.

Further reading

Biggar, Nigel. *Behaving in Public: How to do Christian ethics.* Grand Rapids and Cambridge: Wipf & Stock and James Clarke, 2014. Arguing that they should seek to be characteristically rather than distinctively Christian, Biggar explains how Christians can be true to their theological principles and intelligible to non-Christians in culturally plural public spaces.

._____. “Evolutionary Biology, ‘Enlightened’ Anthropological Narratives, and Social Morality: A View from Christian Ethics”. In *Studies in Christian Ethics*, 26/2 (2013). Here Biggar argues that empirical and historical observation reveals that human beings have evolved in such a way that non-material, moral and spiritual goods now often motivate their behaviour. The order of value has become as real as the order of matter.

_____. *In Defence of War*. Oxford: Oxford University Press, 2013. See Chapter 6. In this chapter Biggar discusses at length the relationship between international law and morality in relation to NATO’s intervention in Kosovo in 1999.

Brunner, Emil. *Justice and the Social Order*. Cambridge: Lutterworth Press, 2003. This is a classic account of the relationship of human social order to God’s created moral order, which was written by an eminent Reformed German theologian in the wake of the period of Nazi rule in Europe.

Finnis, John. *Natural Law and Natural Rights.* Oxford: Clarendon Press, 1981. See Chapters III and IV. Here the eminent Roman Catholic philosopher of law explains his theory of natural (created) law in terms of basic human goods. His New Natural Law Theory has been influential both in the academic fields of Law and of Christian Ethics.

Ginsberg, Morris. “On the Diversity of Morals”. In *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, 83/2 (July-December, 1953); reprinted in Ginsberg, *On the Diversity of Morals* (London: Mercury Books, 1962). The famous sociologist explains how morality can be both universal and culturally diverse.

Grotius, Hugo. *On the Law of War and Peace*. Ed. Stephen Neff. Cambridge: Cambridge University Press, 2012. See Book II, II.VI.2; XX.VIII.5. This is a classic account of the relationship between natural moral law and ‘positive’ international law by the famous 17th century Calvinist theologian and legal philosopher.

Nagel, Thomas. *Mind and Cosmos: Why the Materialist Neo-Darwinian Conception of Nature is Almost Certainly False.* New York: Oxford University Press, 2012. In this controversial book an eminent atheist philosopher argues that the order of mind (and value) is quite as basic to reality as the order of matter.

O’Donovan, Oliver. *Resurrection and Moral Order.* 2nd ed. London: Apollos, 1994. The evangelical Anglican theologian gives an account of God’s created moral order in relation to His endeavours to save the world from the ravages of sin and bring it fulfilment at the End of history.

Taylor, Charles. *The Ethics of Authenticity*. Cambridge, Mass.: Harvard University Press, 1991. The Roman Catholic philosopher reflects on the prominent contemporary value of authenticity, arguing that it cannot avoid pointing toward an order of value that is given (created) before it is chosen.

End Notes

[1] For an example of this, see Nigel Biggar, *Colonialism: A Moral Reckoning* (London: William Collins, 2023), pp. 278-81, 290.

[2] On this point Christian orthodoxy has recently acquired a surprising, if inadvertent, ally in the eminent atheist philosopher, Thomas Nagel. In *Mind and Cosmos: Why the Materialist Neo-Darwinian Conception of Nature is Almost Certainly False* (New York: Oxford University Press, 2012), Nagel has argued against materialism that mind (together with value) and matter are co-original. That is to say, value is not just something that humans imagine onto basically indifferent matter—it, along with matter, precede human choice and agency. Nagel acknowledges that such a view is naturally at home in a theological context, while being unable to endorse theism himself, because of the problem of evil.

[3] John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1981), Chapter III. See also Germain Grisez, *The Way of the Lord Jesus*, 3 vols, Vol. 1: "Christian Moral Principles" (Chicago: Franciscan Herald Press, 1983), Chapter 5, Question D, pp. 121-25.

[4] See, for example, Martin Luther, *Commentary on Galatians* (1535), 3.6; and Karl Barth, *Epistle to the Romans* (1922). The word 'crisis' in 'theology of crisis' refers to God's *krisis* or judgement upon all things human.

[5] Philip Melanchthon, *Epitome Philosophiae Moralis* (1541); Nigel Biggar, *The Hastening that Waits: Karl Barth's Ethics*, Oxford Studies in Theological Ethics (Oxford: Oxford University Press, 1993), Chapter 5.

[6] Thomas Aquinas, *Summa Theologiae*, 1a2ae (Second Volume, First Part), Question 107.

[7] Nigel Biggar, *Behaving in Public: How to do Christian ethics* (Grand Rapids and Cambridge: Wipf & Stock and James Clarke, 2014), Chapter 2.

[8] Charles Taylor, *The Ethics of Authenticity* (Cambridge, Mass.: Harvard University Press, 1991), p. 39.

[9] For a fuller explanation, see Nigel Biggar, *What's Wrong with Rights?* (Oxford: Oxford University Press, 2020), pp. 206-11.

[10] Helmuth Thielicke, *Theological Ethics*, ed. William H. Lazareth, 2 vols. (Grand Rapids: Eerdmans, 1979), vol. 2: "Politics", pp. 343-5.

[11] Martti Koskenniemi, "'The Lady Doth Protest Too Much'. Kosovo and the Turn to Ethics in International Law", *Modern Law Review*, 65/2 (2002), p. 162.

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