

PHILOSOPHIES OF LAW IN CONFLICT

1. There is a conflict of legal and moral philosophies raging in the United States. That conflict is between moral relativism and moral absolutism. We are moving toward moral relativism.

2. All law is legislated morality. The only question is whose morality. Because all morality is based on faith, there is no such thing as religious neutrality in law or morality.

3. Ultimately, there are only two views: Either God is the final authority, and we acknowledge His unchanging standards of behavior. Or man is the final authority, and standards of behavior change at the whim of individuals or societies. Here are examples:

Moral Absolutes: The Ten Commandments

I am the LORD your God. . .

- I. You shall have no other gods before Me.
- II. You shall not make for yourself an idol.
- III. You shall not take the name of the LORD your God in vain.
- IV. Remember the Sabbath day, to keep it holy.
- V. Honor your father and your mother.
- VI. You shall not murder.
- VII. You shall not commit adultery.
- VIII. You shall not steal.
- IX. You shall not bear false witness against your neighbor.
- X. You shall not covet anything that is your neighbor's.

Moral Relatives: Humanist Precepts

- I. The universe is self-existent and not created. Man is a product of cosmic accidents, and there is nothing higher than man. (Humanist Manifesto I)
- II. Ethics depend on the person and the situation. Ethics need no religious or ideological justification. (Humanist Manifesto II)
- III. There is no absolute truth. What's true for you may not be true for me. (Humanist John Dewey)
- IV. The meaning of law evolves. "We are under a Constitution, but the Constitution is what the judges say it is." (U.S. Sup. Ct. Chief Justice Chas. Hughes)
- V. "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe and of the mystery of human life." (Planned Parenthood v. Casey)
- VI. Personal autonomy is a higher good than responsibility to your neighbor or obedience to fixed moral duties. (Humanist Manifesto II)
- VII. Quality-of-life decisions justify assisting the death of a fetus, defective infant, profoundly disabled or terminally ill person. (Princeton U. Prof Peter Singer)

4. The cases passing through this courtroom demonstrate we are paying a high cost in increased crime and other social ills for moving from moral absolutism to moral relativism since the mid 20th century. Our Founders saw the necessity of moral absolutes. President John Adams said, "We have no government armed with power capable of contending with human passions unbridled by morality and religion. Our Constitution was made for a moral and religious people. It is wholly inadequate for the government of any other." The Declaration of Independence acknowledges God as Creator, Lawgiver, "Supreme Judge of the World," and the One who providentially superintends the affairs of men. Ohio's Constitution acknowledges Almighty God as the source of our freedom. I join the Founders in personally acknowledging the importance of Almighty God's fixed moral standards for restoring the moral fabric of this nation.

Judge James DeWeese