

CONSENT ALONE IS NO BASIS FOR MORALITY

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In his magnificent encyclical, *Veritatis Splendor*, Pope John Paul II said that the foundation of freedom was the Ten Commandments. This is, without doubt, one of the most radical and counter-cultural ideas of our age. It not only runs counter to the dominant thinking in the West, it is rejected with a ferociousness that is almost violent. Its rejection not only explains why anti-Catholicism is so prevalent among the learned ones, it also explains why our society is suffering from moral atrophy.

The reigning idea of morality, as broached by our elites and now accepted by millions, is that everything goes as long as it's consensual. It would be impossible to conceive of anything more foreign to the pope's thinking than this. For the pope, there is such a reality as truth, and it is our obligation to discover it and then act on it. Yet most of us demur, finding it easier to do what we want. The price we have paid for this folly reads like a litany of social pathologies: it shows up in data collected by courts and morgues.

This tortured understanding of morality finds its roots in John Stuart Mill's 1859 essay, "On Liberty." In that work, Mill enunciated his "one very simple principle," namely that "the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection." To be sure we get his point, Mill follows by saying that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."

The triumph of this libertarian idea is most easily seen these days in the expression, "What Bill and Monica did was consensual and therefore it is nobody else's business." This remarkable position, so commonly stated, requires examination. Let's begin with Mill.

Mill wrote during the time of the Enlightenment, a period in Western history born in the aftermath of the French Revolution. It was a time when many intellectuals truly believed that the very elements that constitute society—family, church, community, voluntary associations—were seen as the enemy of liberty. This zealous crusade against the social order itself, which began with Jean-Jacques Rousseau, characterized the thinking of the Enlightenment. Edmund Burke was right to see in this an expression of nihilism, a total annihilation of social bonds and the radical individualism that it spawns.

Given this climate of utter disdain for social constraints, it is not hard to understand Mill. Ever the rationalist, he believed that individuals had the ability to morally govern themselves and were in no need of social supervision. Liberated from the reach of family, community and religion, each and every individual would carve out his own ideas of right and wrong, doing whatever he wanted, just so long as others were not harmed.

On paper, Mill's idea sounds great. In real life, it's a mess. Make no mistake about it, Mill's "one very simple principle" is at once the most intellectually seductive, and sociologically destructive, idea to have surfaced in the last century and a half.

In 1874, James Fitzjames Stephen, answered Mill. "The condition of human life is such that we must of necessity be restricted and compelled by circumstances in nearly every action of our lives," wrote Stephen. He then questioned, "Why, then, is liberty, defined as Mr. Mill defines it, to be

regarded as so precious?"

The fundamental tension between Mill and Stephen lay in their view of society. Mill saw individuals—walking, talking, working, playing—all going about their life willy-nilly. There are no groups in this vision, just aggregates, or bunches, of people. Stephen had a different vision: "A man would no more be a man if he was alone in the world than a hand would be a hand without the rest of the body." In short, for Stephen, the individual is only intelligible as he is connected to others.

Philosophers can debate until the end of time which version they like better. But for sociologists, only Stephen's makes any sense. Certainly for Catholics, only Stephen's makes any sense. Just consider what the pope has said.

As with the Founders, Pope John Paul II favors the term "ordered liberty"; it conveys a notion of freedom connected to morality. The Ten Commandments that he sees as the bedrock of liberty puts the hinges back into the discussion: freedom, the pope repeatedly says, is the right to do what we ought to do. We know what we ought to do by following the Ten Commandments.

For the most part, the Ten Commandments tell us what we should not do ("Thou Shalt Not"), and this explains why it is so radical these days. Our MTV world cannot accept the idea that anything should be off-limits. Restraint, in this view, is anathema to liberty. So if we want to indulge our passions, and do not interfere with the liberty of others, it is nobody's business but our own. If a consenting adult joins us in our indulgence, then that, too, is nobody else's business.

There are several problems with this position. In the first place, it wrongly assumes that others aren't hurt when someone indulges his passions. After all, wasn't Hillary harmed by what Bill and Monica did? Less obvious, but no less real, is the harm that consenting adults do to others when they flaunt the moral order. And that is why it doesn't really matter in

the end even if Hillary were to give her consent to Bill and Monica: there is still the problem of the harm done to the rest of us.

We are all moral actors, but none of us is in a position to exclusively decide the moral worth of his acts. Bribery is wrong even though those who engage in the transaction do so consensually; nothing changes even if the bribe occurs in the privacy of one's own home. The same is true of those who conspire to break the law. In both cases, an innocent third party may be hurt. But even if there isn't an obvious third party who is directly hurt, consensual acts may still be immoral.

Take dueling. Two men want to duel it out. They willingly consent to a fight to the finish. Further-more, thousands are willing to freely give of their hard-earned money so that they can watch them duel. Should the duel be allowed? Do we have a right to stop the players and the spectators? After all, no one is forced to either participate or watch.

Or how about female mutilation? Would this barbaric tradition, still practiced in some parts of the world, become right if women willingly consented to their own mutilation? Would those of us who find it immoral have a moral right to prohibit this consensual act between the mutilator and the mutilated?

It is a tragic commentary on our society that so many Americans could not articulate a single reason why dueling and female mutilation should be illegal. Seduced by Millian logic, they cannot understand that the morality of any given act is never defined exclusively by the parties to it.

Morality is a social construct, and it is not therefore an expression of individual will. By that it is meant that morality reflects a consensus reached by society. This consensus was reached by those who came before us and is sustained, or changed, by our contemporaries. So it doesn't

matter whether some like dueling or consent to female mutilation. What matters is whether a moral code—held by most in society—has been broken. Up until recently, at least, there would be no doubting the immorality of these acts.

For practicing Catholics, as well as for practicing Protestants and Jews, this sociological definition, while helpful, is not sufficient. It is not sufficient because it does not address the proper source of the moral code. That source, as the pope exclaimed, is the Ten Commandments. What the Lord gave Moses was the basis of what we call the natural law, determinations of right and wrong accessible by reason and given by God's grace.

If the first three Commandments speak to the reverence we owe God, the other seven speak to qualities of human nature that, if not checked, result in social dissolution: violence, adultery, theft and covetousness are social problems, the consequences of which are felt by those who are not party to the sin. Moreover, their inherent selfishness thwarts our ability to love thy neighbor.

This is what we need to learn: at some point, individual acts of self-destruction ineluctably make for social disintegration. That is why it is right for us to criminalize obscenity, adultery, sodomy, polygamy, prostitution, gambling, public drunkenness, drug use and assisted suicide. To the refrain that these are acts engaged in by consenting adults, and should therefore be legal, we need to say that these are acts of self-destruction that at some point become our problem. Common sense demands that we take precautionary measures now.

Part of the problem is that over the last few decades, we have become conditioned to accepting virtually every sexually deviant behavior (the term is verboten in elite circles) that exists. For that we can thank Phil Donahue and his ilk. As one sexual freak after another has been introduced to America on

daytime TV, we have learned from guys like Phil that it is wrong to be judgmental of them. They are just like the rest of us, we are assured, and they are entitled to our tolerance, if not respect. Is it any wonder why so many are willing to give William Jefferson Clinton a pass?

A mature society, especially one that prizes liberty, does not look at morality and freedom as opposites, but rather as complementary properties. While it is true that there can be a society without freedom (history abounds with examples), it is not true that there can be a society without morality.

The kind of moral code that Pope John Paul II recommends—the Ten Commandments—is suitable for all societies, but none more than free societies. Societies that seek self government demand self governing individuals, and that is why following the Ten Commandments is so important: they enable us to live in communion with our neighbors, a condition that is indispensable to liberty.

It is high time we spent the next few decades trying to put this anchor back in place. If we succeed, it won't matter what Bill and Monica think. Or, for that matter, what Hillary thinks. What will matter is whether adultery is a moral wrong deserving of sanctions.