

May 22, 2011

Sunday of the Samaritan Woman

Father Pat's Pastoral Ponderings

Like many Christians, I suppose, my "seasonal moods" are largely determined by the liturgical calendar---the annual sequences of Advent to Christmas, Theophany to the Triodion, Lent to Pascha, and Pentecost to the autumnal celebration of the Holy Cross. These intervals, which give structure to the year, shape my sense of reality, and invariably, I find, my heart is ready for the next season when it arrives.

These are not my only special times, however. In addition, I also wait, in keen anticipation, for those four annual red-letter days---evenly spaced---when the mailman delivers to my home the latest copy of *The Claremont Review of Books*. On those occasions, it is certain that I will be preoccupied for the next several days. My wife does not (I think) speak to me at those times. If a siren sounds or the phone rings, I do not hear it. Should the house across the street suddenly burst into flames, the episode would elude my attention. Once the new *CRB* comes into my hands, there is nothing else significant until every last word has been read.

The latest edition, a double issue to mark the *CRB*'s tenth anniversary, is no exception. In addition to 22 book reviews---along with the standard editorial and Mark Helprin's final page---it features 11 essays by such notables as Harvey Mansfield and Hadley Arkes. Always helpful in the *CRB* are the discussions and debates in the correspondence section. In the recent issue, this section ends with a winsome letter from Jean Bethke Elshtain.

After reading the *CRB* I normally find myself looking at certain subjects from a slant I had not thought of before, and this is true in the present case. Let me mention one example:

Up till now, I understood the current judicial controversy in this country mainly as a debate between two different hermeneutic attitudes toward the United States Constitution---between those who interpret that document from a "strict constructionist" perspective and those who treat it as the legal invitation to a "development of doctrine."

That is to say, is the exegesis of the Constitution to be guided by strict attention to its grammar and semantic context, or by a heuristic application of the text to ongoing historical conditions and our contemporary social setting? (It is easy to recognize in this debate a parallel controversy relative to Holy Scripture.)

In the latest *CRB*, however, three pieces have prompted me to regard and re-assess that debate from a different angle: the essay by Hadley Arkes and book reviews by Michael M. Uhlmann and Bradley C. S. Watson.

My altered perspective on the question, thanks to these three writers, may be called "anthropological." That is to say, it is much clearer to me now that the Constitution presupposes a certain view---shared by the Founders---of what it means to be a human being.

This was quite plain to Lincoln, whose understanding of the Constitution was guided by specific anthropological claims enunciated in the Declaration of Independence; namely, "that all *men are created equal*, that *they are endowed by their Creator* with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

In other words, human beings inhabit a universe already contoured by a transcendent moral shape, which the Framers took to be among "self-evident" truths. Our national enterprise, therefore, "rests on a particular kind of moral reasoning" and "necessary moral truths," such that "human reason can distinguish right from wrong in a reasonably objective and, at times, compelling way" (Uhlmann).

Moral reason insists, for example, that certain activities "would be wrong as a matter of higher law, in spite of a positive law that authorizes them. As humans we are, in fact, to do good and avoid evil---and our natures can tell us something about the meaning of that injunction" (Watson).

The Constitution was composed for life within a universe brightly illumined by "moral limits" and "canons of moral reasoning." The Constitution is addressed to "the moral agent, the human person marked by moral understanding." Hence, the "logic of morals" must encourage both citizens and governments to recognize "moral warnings and salutary inhibitions," because no government, Congress, or Supreme Court can confer, on anybody, "a right to do a wrong" (Arkes).

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