HUMANISM AND LAW

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I suppose you have all heard the story of the Irishman who was accused of stealing his neighbor's cow. He was brought to court and when the judge asked him whether he pleaded guilty or not guilty the Irishman replied: "And how would I be knowing that, Your Honor, until I've heard the evidence."

This afternoon I feel something like that Irishman. I don't know whether to plead guilty or not guilty to the charge of vainglory and presumption; vainglory for having accepted the honor of speaking before this august assembly without having deserved it; and presumptions for speaking on a topic that requires more knowledge of philosophy than I have command of.

However, like all defendants, I have tried to rationalize my weakness into a position of strength. And I have reasoned thus. First, that I surely was not invited here this afternoon simply because I am the president of that little college down the road. As a college president, there are only two laws with which I am well acquainted. The first is the law of survival, and the second, called Murphy's law, which states: "If anything *can* go wrong it *will*." Nor have I been invited here as a layman whose only experience with the law is to have broken it more times than I would like to confess. As such, I can hardly be expected to startle this learned gathering, with any profound insights into the philosophy of jurisprudence or to render Blackstone obsolete.

I conclude, therefore, that the only justification for my presence here today is that once in a happy far off day I was a professor of the humanities, that I spent some years at one of the great humanistic universities of the world and that I have literally the high-brow of the humanist.

Now when any humanist worth his salt is given the task of writing a speech, he tries to do as little work as possible — and this is understandable because humanism arose out of one of the great slave cultures — and as far as possible the humanist tries to develop his arguments out of the words of the proposition. Therefore, he chooses the first of the Aristotelian topics or *locus argumentorum*, the argument from *name*, as his point of departure.

Unfortunately, I did not find my investigations into the origin

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of the word *law* very inspiring. I did find it interesting, though, to recall from my study of Anglo-Saxon that *law* is one of the very few words that the Norsemen or Vikings introduced into the English language, and that the English people preferred this word to their own Germanic word, and the *lex-legis* of the Romans. A historian of law might possibly write a speech on that, but not me. The word *law* also leads to verbal association which might be embarrasing to mention in such a gathering as this. *Law* and *rascals.* For it was the rascals who brought the law to England — rascals being the perfectly respectable occupational title given by the Vikings to someone whom we would call a sailor. So, if in the course of your legal career someone should call you, quite unjustly, I am sure, a rascal, you may take it as a compliment.

Anyway, having found the first Aristotle's topics unrewarding, I passed to the second and this time examined the word *humanism* from the viewpoint of *definition.* And here I struck gold.

I found that my favorite dictionary, which is named after my favorite university, says that the word *humanist* first appeared in print in the year 1589 and that it means one who is versed in the *humanities,* and that the word *humanities* had appeared a century earlier as meaning "learning or literature connected with human culture." About a century later, the word *humanist* began to be used to designate a scholar who devoted himself to the study of the ancient classical cultures.

I decided, therefore, to take my cue from the dictionary definition and begin my discussion of the concept of *humanism* with an examination of its relationship to culture and education, a field in which I may be presumed to have some competence. In this restricted context, humanism may be defined as the study of the human spirit as it expresses itself in those arts which are the record of man's specifically human activities. By a specifically human activity, I mean that which distinguishes man from the other animals, his power to grasp forms and hence relations and values implicit in concrete objects and events, and to perfect himself in accord with this knowledge. Cicero called the arts which record this human activity the *artes liberales* or liberal arts because it is through these arts that a man is educated to freedom. They are, he said, "artes quae pertinent ad humanitatem" the arts which belong to humanity itself.

The humanist of the Renaissance, therefore, as well as of the Golden Age of Athens, conceived culture not only in static terms as the accepted pattern of thought and action in the community, but as an activity, a discipline, and thus as an instrument of education, or as what has been called: the turning of experience to account.

Thus, humanistic or liberal education as it has been conceived thus far in Western civilization is a series of controlled experiences which have been shaped in order to develop the power of the adolescent as an individual to achieve the ends of life, and as a member of society to sustain and increase the common heritage of social culture. The ingredients of this course of humanistic studies are the familiar staple subjects of the liberal arts courses which are studied both for enlightenment and enrichment. Enlightenment is achieved by instruction and study in those truths which are pertinent to the problems of man's nature, his place in the universe and his destiny. It consists mainly in acquiring an extensive tested and organized body of knowledge pertinent to the ends of life. Thus, in the traditional liberal arts college literature is studied for the sympathetic insight it provides into the nature and aspiration of man in the particular milieu into which he has been born. History shifts the attention to that milieu itself. It suggests the laws under which the movements of society have run their course. It offers a primordial explanation of the forces of civilization which are operative today and which are moulding the world of tomorrow. The natural sciences and mathematics reveal, as far as human observation as yet comprehend them, the extent, the structure, the working laws of the universe which is our temporal habitation. Philosophy and theology on their respective levels teach the ultimate origin, the final destiny and the essential nature of the universe, and of all the beings it contains.

As the mind of the adolescent student is thus enlightened, so at the same time is his personality enriched. He experiences a growth of the skills of attention, discrimination, taste and appreciation, an increased facility for logical analysis and reflection, and the ability to express his judgments with unity, coherence, emphasis, and some measure of suggestion of their human significance. He is increasingly able to communicate not only facts, but the sense of fact. Thus, the most humanistic of man's activities, the comprehension and communication of significant human experience is nowhere more forcibly and profitably presented than in the creation and appreciation of literature. In the study of literature the student enters vicariously into the subtler, deeper and more complex experience which have grown from that profound and sympathetic insight into life which is one of the gifts of Christianity to culture. The exact sciences solicit, in addition to exact observation and precise formulation, the vigorous exercise of the logical faculties. The law of logic implicit in $c^2 - a^2 + b^2$ or $b - mv^2$ is peremptory and intolerant in its condemnation of sloppy thinking and unwarranted assumptions. The same is true of philosophy and theology. Anyone who has grasped the architectonic organization

of the Christian view of life, the consistency of its multiform developments, should be, by that very fact, immune to the attractions of facile and superficial speculation.

I should now like to consider on further detail these two qualities of humanistic education, enlightenment and enrichment, in relationship to the study of literature, which is perhaps the most effective of the humanistic disciplines and the only one on which I dare to speak with any authority.

The study of literature is *enlightenment,* that is, it provides mankind with an insight into the fundamental truths of the human condition. It tells man what he is. Mark Van Doren says "Literature is the image of man as he moves. Elsewhere we get propositions about him, or measures of him, but in literature we find him as he is, half dust and half idea ... the man who is always different and never changes." Thus literature shows down the rapid flow of experience and holds it up for contemplation and understanding. As Shakespeare says, it holds a mirror up to Nature. It liberates our minds from what is ephemeral and insignificant. It encourages the growth of a finer, more personal, less standardized outlook on life which can rise above the banality of Hollywood and the vulgarity of the Beatles. The Harvard Commission on Liberal Education points out "In a period of technological prodigies and economic complexity, the crucial problem of edueation is to sustain and develop the individual." The reason why it is crucial is that social and technological organization or mass production tends to produce uniformity of activity and outlook on life, and this uniformity is still further standardized by the influence of the mass media, the press, radio, TV and the cinema. This cannot help but result in the impoverishment or even suppression of what is intense and vital, personal and stimulating. The assent of the individual to life is swallowed up in the cry of the mob saying: yeah, yeah, yeah.

The study of literature also enriches the human personality. For one thing it helps us to escape from ourselves, not from our problems but from the self-centered, trivial and fragmentary aspects of our normal moods. When we read a good book, or watch a play such as *A Man for All Seasons,* we are brought to a state of awareness which sets us from to take stock of our own situation, to see its qualities in a new light. It helps us understand better what it means to be human. It, in effect, liberates our minds.

No one has expressed the quality of this liberation better than W. H. Hudson, the author of *Green Mansions.* He writes: "A liberating effect is produced upon our minds if we have what may be called a sense of historical time, a consciousness of the transitoriness of most things human, if we see institutions and works as

the branches on a pine or larch, which die and fall away successively while the tree itself lives forever, and if we measure their duration not by our own swift years but by the life of nations and races of men. It is, I imagine, a sense of capable of cultivation and enables us to look upon many of man's doings which would otherwise vex and pain us, not exactly as an illusion but at all events in what we call a philosophic spirit."

The humanistic value of this liberation of the spirit which is achieved through literature hardly needs proving. But what is often neglected or passed over is that the practice of recognition, control and evaluation of experience which takes place in the study of literature is a mental discipline. The study of literature does in my opinion, contribute significantly to the development of the specific human faculty of cognition or intelligence.

No one for example can study serious literature (and I must emphasize that I am talking about *study* and about *serious* literature — not about Playboy, or Liwayway or Reader's Digest) without being influenced by the manner in which the author organizes his experience, and controls his structure. When, for example, a student sees how Sophocles or Shakespeare takes a formless almost meaningless folk tale and raises it to the level of universal experience, how the elements of this experience are deployed in rhythmical progression and then concentrated in a shattering climax, he will have gained a vital appreciation of the power of the human mind to discriminate, analyze, combine and project the products of its own activity. The writings of Rizal, who was a product of a humanistic education, especially his two major essays, *The Independence of the Filipino* and *The Philippines, A Century Hence,* are good examples of how a writer profits from his contact with the discipline of the classics.

Further, literary study is also an exercise in intellectual discrimination. Literary masterpieces are not written in vacuums or on the top of ivory towers. They are written in reference to preceding models. One who doesn't understand medieval allegory cannot understand Chaucer or Langland or Spencer. One who does not know Homer, Vergil, or the Bible will never understand Milton. Now adequate appreciation of the creative synthesis that has taken place in the production of a new masterpiece requires an exercise of the nicest discernment in evaluating two cognate but quite distinct experiences.

Finally, the study of literature makes the mind more alert to formal thought processes and more skilful in their control. Study and analysis will reveal that the great writers had their characteristic way of thinking things out. Shakespeare, for example, is in-

tuitive and thinks in metaphors. Plato's mind is logical and deductive and thinks in analogies. Cicero argues from a multitude of circumstances and the convergence of probabilities to the existence of principles, as does his imitator, Edmund Burke, who constantly related circumstances to specific principles and the specific principles to more universal truths. Newman's mind works a little differently. It starts from principle and works down, refining the application until it reaches the individual, and the individual is Newman and the reader. Demosthenes' mind finds its usual course of action in the explanation of effect through cause, and from a multitude of effects he singles out one which most strikingly and irresistably points to the operation of the significant vital cause.

Now in the normal course of reading, our minds are led along these and similar paths with more or less advertance to what it is doing. It is the function of study and the role of the teacher to increase this advertance to the point of conscious and deliberate attention after which a comparison of one's own thought processes with that of a great thinker and an improvement in one's own skill in handling intellectual experiences are easily effected. It is true that such intellectual analysis and dissection, however, are likely to hinder appreciation and enjoyment, and this is a problem every teacher faces. But once the beginners' stage is passed and habits have been formed, appreciation is actually deeper and richer.

Finally, in addition to enlightening the mind and enriching the personality of the adolescent, the study of literature is also a source of wisdom. Not in the sense that Matthew Arnold or Irving Babbitt would have us believe, as an authoritative guide to life. This is the function of philosophy and theology. But literature by presenting in its own way the permanent and essential values of life in concrete obsessive forms reinforces these sciences. A play ilke "A Man for All Seasons," for example, brings to life the dry pages of the ethics manual. Likewise, in literature we find a hierarchy of values: tragedy is placed over comedy, comedy over farce, epic over romance and romance over the realistic story, a hierarchy which is established on a recognition of what is more essentially human, universal and absolute, and a deeper penetration into reality. And in the range of great literature the highest passages are those which convey some sense of the eternal, providential God, which confront the blindness and confussion of human life with the light and order of eternity. Not that great literature is or should be a Christian tract or a catechism. It suffices if it vindicates man as a free responsible agent who achieves his highest perfection when he scorns the tangible and expedient for the transcendent, when he gives up life and love for principle.

At this point, having considered humanism as the study of the human spirit as it has revealed itself in those liberal arts which are the record of man's specifically human activities, I should like to pay a little more attention to humanism in its philosophic aspects, especially its concept of finality or purpose. For it is obvious that the study of man must offer to man himself some prospect of fulfillment, some ideal of perfection, the attainment of what I have in various parts of this paper called the "ends of life".

I shall merely state these ends in general categories and presume that they would be acceptable to most humanists: there are material ends, such as freedom or security from want or fear; social ends, the unification and cooperation of all members of society in achieving peace, order and justice; intellectual and aesthetic ends: the dignity of man's unique position as a rational creature demands that he understand the universe in which he lives as well as the nature, history, and origin of his own kind. This much is accepted by all who claim to sponsor humanism in any form.

But it hardly needs saying that all these ends, though they find their immediate value in the enlightenment, the enrichment and the guidance of the human person, must for their ultimate valuation depend on a judgment of the value and destiny of the human personality itself. Maritain says: "It is clear that whoever uses the word humanism brings into play at once an entire metaphysics, and that the idea we form of humanism will have wholly different implications according to whether we hold or do not hold that there is in the nature of man something which breathes an air outside of time, and a personality whose profoundest needs surpass the order of the universe."

This reliance on an ultimate metaphysics is readily evident in both the naturalistic humanism of Karl Marx — and in the secular humanism of this century. Marx was convinced of the antagonism between human welfare on the one side and belief in God on the other. This conviction would seem to have been based on a misunderstanding of Hegel's notion of the relationship between the Absolute and its finite modes. In place of finite modes, Marx substituted man and had no difficulty demonstrating that Hegel's theory of the Absolute is absolutely anti-humanistic. It completely deprives man and the world of any perfection whatsoever. Marx concluded therefore that man must be freed from notions which only deplete and degrade him. Then having out off man's religious bond to the transcendent, he transferred all the strength of a religious attachment to man himself and his world. Marxian humanism therefore is founded upon a belief in the total immanence and self sufficiency of finite being. His scale of humanistic values is similarly

determined by the assumption that human goals are completely limited to the self-founded world of our experience and that values are self-created by man in his natural environment. Whereas Hegel referred to the Absolute as the concrete universal reality, Marx reserved this privileged designation for the community of workers organized into the social collectivity. Here alone is the true character of human reality achieved in its fullness. Thus Marx's denunciation of the evils of capitalism is not a vague philantropic sentiment nor even the Jeremiac lamentations of a Jewish prophet but a highly developed theory of man's place in the cosmos. It is this humanistic orientation of Marxist doctrine that explains the attractive power of dialectical materialism to motivate men to make great sacrifices for its spread and practical realization, but the Marxist man does not breathe an air outside of time nor do the needs of his personality surpass the order of the universe.

Nor does the man of secular humanism which likewise accepts that the only humane and realistic philosophy of man is one based on the concrete and indissoluble synthesis of man and nature in a single closed circle of reality. In its earlier forms it was not so completely naturalistic, though even in the humanism of Ethan Allen, Thom Paine, Thomas Jefferson and the other deistic writers of the 18th century, supernatural religion and institutional religion were excised from the center of human life. In the 19th century secular humanism was influenced by the theory of evolution, and God, stripped of transcendence and infinity, became the ideal of human perfection and the highest stage in the evolutionary process. In the twentieth century secular humanism is frankly antitheistic. It seems to consist partly in Promethean defiance and partly in a prudent appeal to scientific method. The first aspect provides the moving emotional inspiration for this worldly heroism, whereas the latter conveys as sense of the reasonableness of the secularist viewpoint. This combination is irresistable to many people who are spiritually adrift and who hope that science can provide the authoritative guidance they need.

However, the Christian can accept neither Marxist nor secular humanism, simply because he cannot accept their completely naturalistic explanation of the nature of man and his role in the universe. The Christian humanist believes that the ideal Christian man is one who develops the image of God within him to its fullest possible degree, and since this image of God is both natural as well as supernatural, its full flowering and perfection will be found only where both nature and grace are developed to the fullest and work harmoniously together. The human nature of God made Man is thus offered as the perfect model of just such a synthesis: Fully Man and fully Son of God.

Two points should be noted here. The first is that the attainment of man's supernatural goal is not optional, something he can take or leave. In the present order of Providence man either achieves supernatural perfection or he achieves nothing. For the failure to attain it will frustrate any natural development. Original sin has had such a weakening effect on man's nature that unless he is helped by supernatural grace he will inevitably fall prey to his lower passions and degrade himself to subhuman levels.

Thus, we have the strange paradox that in the present economy of Christian salvation man cannot succeed even in becoming fully human unless he is divinized by grace. It is only by dying to himself that he truly lives. The history of the rise and fall of so many humanistic cultures down through the centuries bears tragic witness to this truth. The world's first and perhaps greatest period of naturalistic humanism was the glory that was Greece, the short-lived glory of one generation, which condemned an honest man to death for asking questions, which built its economic structure on the foundations of slavery and raised the most beautiful building in the world to stand as a whitened sepulchre for a dead faith and the cynical despair which replaced it. And so for the arena and vomitoria of the Romans, the blond superman of Nietzche, aetheistic parousia of Karl Marx, the noble savage of Rousseau and all the other ideals of a completely natural humanism. All have ended up either in heart-rending incompleteness, or more often in the positive degradation of man's natural dignity by some sort of enslavement whether to his passion or to the tyranny of his fellow man.

At the same time, it must be admitted that the nice balance implied in the Christian humanist's concept of human perfection as a harmony between man's natural powers and his supernatuer is difficult to achieve and to maintain, and history records more failures than success. There is always the temptation for man either to despise his human nature as corrupt and rebellious or to despair of attaining his supernatural ideals.

Nor has Christian humanism shown the universality of membership or flexibility of application that it should have. As a manifestation of the Incarnation of Christ in the world, Christian humanism should welcome all Christians and adapt itself without changing its essentials to each distinctive epoch and culture. To do this it must be less restrictive in its concept of what is truly humane and of what is truly Christian. It must adjust itself to the new world in which it finds itself, and especially to two unique developments of that world: the vast modern development of man's mastery over the material universe and a new democratic social self-consciousness that has produced a conviction that every man has the right to full

human development and the means thereto, education, leisure, security, etc. What we in our time have to discover is a humanism of work. This will necessarily mean an end to the exclusiveness that has characterized Christian humanism, that individualistic and aristocratic quality that has ever been part of it and which is actually pagan in origin. It will also mean a new outlook on the scientific and technical conquest of the universe and a rejection of the former idea that technology is a denial of the primacy of the spirit, the work of man's Promethen pride and concupiescence.

It will in effect mean a new Christian humanism whose horizons and sympathies are as vast as the cosmic reach of modern man himself, and the more authentically human and authentically Christian just because of that. It is humanism that leaves literature and the arts and philosophy in their traditional place of honor and the crown of the most complete humanistic training but it also widens the span of humanistic development to take in whole new areas which are characteristic of modern man. It thereby opens the door to admit not just a leisured and privileged elite but, at least in promise, that vast multitude of workers who are at last conscious of their personal dignity and are asking to be allowed to share in the full glory of what it means to be a man. This ideal of a loving acceptance of the human in all its temporal dimensions in order to transform it and consecrate it to Christ has to be brought into explicit focus. This is a challenge to us all, especially to those who are called to educate the youth of the nation. It would be a tragedy to let it go unanswered.