
Cain, Abel, Obligation, and Right

Gary Inbinder

*When I was a child, I spake as a child, I understood
As a child, I thought as a child: but when I became a man,
I put away childish things.*

*For now we see through a glass, darkly; but then
Face to face: now I know in part; but then shall I know even
As also I am known.*

1 Corinthians 13:11-12

I. The Right to Life

Many things are not fully intelligible to us unless understood within the context of culture. The story of Cain and Abel, if read in the traditional Judeo-Christian cultural context, teaches us much about the historical conflict in human nature between an irascible demand for autonomous right, or license, and an instinctive and sensible submission to ordered liberty under a rule of law.

As originally conceived the story had five *dramatis personae*; the Lord who commands, and his fallen creatures Adam, Eve, Cain, and Abel who “ought” to obey. The creatures’ freedom of action is circumscribed by their pre-existing duties to their Lord, and their “rights” could only be conceived as correlative to obligations for the stewardship and beneficial use of the Lord’s properties, which included the creatures themselves. A violation of those obligations

GARY INBINDER is a California attorney who specializes in health-care law and a frequent commentator on moral and religious issues.

by the prohibited action of one creature against another—in this case the violation of an implicit commandment not to murder that was later made explicit at Sinai and re-stated in the Sermon on the Mount—would result in a claim to the Lord signified by the blood of the transgressor’s victim.

But what of our understanding in a post-Judeo-Christian anthropocentric culture, where the principal among the *dramatis personae*, the Lord, has been erased from the text? Modernism and postmodernism have rendered God irrelevant or declared Him dead. Covenant has been replaced by social contract, the action of God’s will upon the conscience of the individual replaced by a “General Will” as an expression of state power, original sin by a myth of “natural goodness,” and the absolutes of Divine command and correlative rights by the relativism of political expedience. Special interest groups make claims on society by asserting purportedly “natural” or unabashedly abstract and reified group “rights” that only correlate to the political will of a faction, and derive from neither God nor nature, but are legal fabrications to support demands for entitlements as an expression of raw political power.

Meaning of Cain-Abel story opaque in post-Judeo-Christian culture.

We live in a postmodern spiritual wasteland created by an impenetrable wall of separation between the City of God and the City of Man. How will a generation whose understanding is blocked by that wall, and circumscribed by the secular culture and “public language” of the City of Man, understand pre-modern truth claims made in the language of the City of God?

Only when we liberate ourselves from our modern and post-modern anthropocentric cultural illusions can we view the human drama of this story not as “through a glass darkly,” but rather clearly within the pre-modern cultural and spiritual context under which it was originally conceived, and from which the universal and eternal truths recorded in a far distant time and place are disclosed to us directly from the text.

The critical reader has a moral obligation to past, present, and future generations to recover, as if by process of *anamnesis*, the historical memory of culture embedded within the text and to unlock its secrets with the keys of tradition. The reader must then consider the authorial intent disclosed in the text in the light of the experience of subsequent generations, including the reader’s own experience, and the experience of the present generation. The

Understanding story requires an imaginative act of cultural restoration.

critical reader's moral imagination will thus, by an act of restoration and critical examination, render the story meaningful and intelligible to his or her generation.

II. The Story of Brotherhood

Cain was the elder of two brothers, the first-born son of Adam and Eve following their expulsion from the Garden of Eden. His name, the Hebrew *Kayin*, comes from the root *Kanah*, to acquire, and his mother Eve's joyful declaration upon seeing her first born, the Hebrew *kanithi ish eth Adonai* is typically translated "I have gotten (or acquired) a man with the help of the Lord."

I will adhere to a traditional understanding of Eve's declaration in the context of the story, because the distinction must be made between God, who creates *ex nihilo*, and humans who procreate, fabricate, and cultivate what was given to us. Further, Eve rejoiced in the fact that while, because of her sin, she was cursed by God to bring forth her children in sorrow, her joy at the birth of her first born may be taken as a sign of her reconciliation with both God and Adam.

Regarding Cain's younger brother, while the root of the name Abel is more obscure than Cain's, at least one source references the Assyrian *Ablu*, or son, and states that the Hebrew signifies a "breath," as evidenced in the brevity of Abel's life.¹ Also significant is the fact that the younger son, Abel, is a shepherd which reminds us of his father's pre-lapsarian role as a faithful and innocent steward of God's creation, while the older son, Cain, must till the soil and bring forth its produce with hard labor, "the sweat of his brow" according to the curse placed upon his father as the consequence of his sin. Thus we see Cain as a paradigm of sinful humanity struggling to master nature and the elements in a Darwinian fight for survival, whereas his brother Abel reminds us of pre-lapsarian innocence and harmony with God and nature.

Cain's offering of the fruit of the ground is, like a tithe, symbolic of the primitive religious instinct. Abel follows Cain with a sacrifice of the most prized among Abel's flock. God accepts Abel's sacrifice but rejects Cain's, which leads us to the question, "why?" Many interpretations have been advanced but I think the

¹ *The Pentateuch and Haftorahs*, ed. Dr. J. H. Hertz (New York: Metzudah Publishing Co., 1941), 14.

best and most consistent within the context of the story is to view Cain's offering as both grudging and rendered on Cain's terms, as if to say to God, "I labor under your curse and will acknowledge you so long as you are instrumental to me, e.g., provide me with a good harvest." Abel, on the other hand, intuitively renders unto God what is His due, the selfless sacrifice of the first and fat portions of his flock, out of gratitude and love, which is an attempt to expiate the taint of sin inherited from his parents.

Abel is a child of light and the first victim of the dark heart of humankind. Abel's light can be identified with *synderesis*, which term was first used by St. Jerome in his explanation of the four living creatures of *Ezekiel* 1:4-15. St. Jerome understood the man, lion, and ox to represent the rational, irascible, and appetitive parts of the soul, and suggested that the fourth creature, the eagle, was the "spark of conscience" which remained within Adam after the expulsion from the Garden of Eden.² Abel who seems to be simple, natural, and filled with the light and love of God, as opposed to his darker and more complex brother, is, in a tragic sense, too good to live in a world of fallen creatures without the protection offered by Civil Society under a rule of law.

III. Sin Coucheth at the Door

God recognizes Cain's anger at the preference God had shown his younger brother. Cain shows his displeasure in his fallen countenance as if to say, "Am I not my brother's equal, if not his better?" God questions Cain about his anger and "fallen countenance" and says, "If thou doest well, shall it not be lifted up? And if thou doest not well, sin coucheth at the door; and unto thee is its desire, but thou mayest rule over it." Sin is personified as a beast that waits to strike the unwary man at the door of his household. It is a warning to Cain about what St. Jerome referred to as the irascible lion, part of our passionate animal nature that can be controlled by reason (the man) supported by faith (the eagle).

Here I believe is the key to the story, because Cain does not want to do well in the eyes of God; he chooses to ignore the "ought" of Divine command. Rather, he acts according to the dictates of his irascible nature and ill will, strikes down the brother

² *Dictionary of Philosophy and Religion*, ed. William L. Reese (New York: Humanity Books, 1999), 752.

*Man's
irascible
nature can be
controlled
with help of
moral and
social
constraints.*

who has offended him, and asserts his autonomy and freedom from the laws of God. And here we have an adumbration of modern man reverting to the state of Cain under the guise of "liberation," heeding not God but Rousseau, and breaking the chains of social and moral constraints that kept the couching beast at bay.

This interpretation is supported by the following gloss on the text which is taken from the *Targum* of the Pseudo-Jonathan and probably dates from the second half of the seventh century C.E.:

And Cain said to his brother Abel:—'Come! Let us go into the field!' So they went into the field and Cain again said to Abel:—'I see that the world was created in love; but it is not ordered by the effect of good deeds. For there is partiality in judgment, because your offering was accepted with favor.' Abel answered and said:—'The world was indeed created in love and it is ordered by the effect of good deeds and there is not partiality in judgment! My offering was accepted with favor before yours!' Cain answered and said to Abel:—'There is no judgment and no Judge and no world to come! No reward will be given to the righteous nor any account given of the wicked!' Abel answered and said:—'There is indeed a judgment and a Judge and a world to come! The righteous will be given a good reward and the wicked will be called to account!' And because of these words, they fell to quarreling in the open field. And Cain rose up against his brother Abel and drove a stone into his head, killing him.³

According to this ancient Rabbinic commentary, Cain is an adumbration of the atheistic existentialist who, in perceiving the injustice of the world from the perspective of one who feels slighted

³ *Targum*, pseudo-Jonathan on Gen. 4:8. I will discuss the issue of "partiality in judgment" in the context of recent U.S. Supreme Court decisions in Section V of this essay. The problem of "partiality in judgment" in modern or postmodern democratic societies is to determine where the authority and responsibility for ultimate moral judgment on earth resides. If there is in reality such a place, the *locus* in the United States now appears to be the U.S. Supreme Court. The Court sitting in judgment purports to act in behalf of a reified "general popular will." Formerly, in this country, the "general popular will" on subjects involving moral judgment, such as the taking of human life (abortion, euthanasia, eugenics, etc.), sexuality (sodomy, incest, pederasty), the structure of cultural institutions (marriage) was expressed in traditional common law, democratically enacted statutes, and in the forum for debate often referred to as the public square. The problem with placing such moral responsibility in the Court is that the ultimate "binding and loosing" authority referenced in Matt. 16:19 resides not in Church, nor the State and the people, but rather in the will of a majority of nine judges. Thus, when it comes to the determination of moral questions related to the very foundations of our culture, oligarchy appears to have supplanted the democratic process.

by “partiality in judgment,” rises up in anger and slays his brother. In modern times this angry self-assertion and demand for liberty and equality have given impetus to revolutionary movements in their demand for social justice and cultural transformation.

The “liberty” of the French Revolution turned to license and “fraternity” to fratricide and terror, in a dispute over “equality.” And the terror of the 1790s was just a preview of the greater horrors of the World Wars, death camps and gulags of the twentieth century—what the nineteenth century anticipated would be a “century of progress.” Progress there certainly was, in scientific discovery and material wealth, but in morality there was not progress, but regression.

Twentieth century marked by material progress and moral regression.

Modernism taught that man is naturally good, and that he could self-legislate and act autonomously according to his maxims of practical reason and “good will.”

Modernism rejected Judeo-Christian teaching regarding the effect of the beast couching at the door, most particularly the Christian doctrine of Original Sin. The modern worldview is contrary to the understanding of the dominant forces in the pre-modern West, and in many respects also flies in the face of common sense, historical experience, and tradition. Our traditions were expressed by an earlier generation in the will of founding fathers, now disparagingly referred to as an oppressive patriarchy. In the founding documents of the United States of America, this will of the dominant authority was expressed in George Washington’s prayer:

Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another and for their fellow-citizens of the United States at large.⁴

The autonomous anthropocentric concept of “liberty” that has been advocated by Western liberals or progressives for the last two centuries is the license of the defiant and unrepentant Cain. And it is this license under the guise of “liberty” that Edmund Burke, in his *Reflections on the Revolution in France*, decried when he wrote,

⁴ John Bartlett, *Familiar Quotations, Washington’s Prayer after Inauguration (1789)* (Boston: Little, Brown, and Co, 13th ed. 1955), 367.

Is it because liberty in the abstract may be classed amongst the blessings of mankind, that I am seriously to felicitate a madman, who has escaped from the protecting restraint and wholesome darkness of his cell, on his restoration to the enjoyment of light and liberty? Am I to congratulate an highwayman and murderer, who has broke prison, upon the recovery of his natural rights?⁵

IV. Crime and Punishment

Immediately upon the commission of the crime, Cain is “arrested and arraigned” by God with the words, “Where is Abel thy brother?” Of course, God knows where Abel is; what God is seeking is Cain’s self-awareness: does Cain know where he is in relation to God and to the brother he has just murdered? Cain answered, “I know not: am I my brother’s keeper?”

Cain’s response to God’s question is not flippancy; rather it is a declaration of right, as if to say “I killed him, so what? It seemed like the right thing to do at the time so I did it. Are you, God, now telling me that I have some duty to my brother, to be his ‘keeper’?” After all, what law existed at the time? Doesn’t God have an *ex post facto* problem in his administration of justice in this instance?

In *Natural Law in Judaism*, Rabbi David Novak makes some interesting observations concerning Cain’s famous response:

‘Am I my brother’s keeper?’ is usually seen as a denial of human responsibility for one another. . . . In other words, since Cain’s answer is taken to be a denial of this basic human responsibility, the implied answer to his is: ‘Yes, you are your brother’s keeper, and you did not fulfill your duty by murdering him as you just did!’

However, this interpretation misses the fact that the word ‘keeper’ (*shomer*) . . . denotes someone who has been explicitly designated by someone else to look after his or her property, and who is responsible for any damage to that property during the time of this fiduciary relationship. One cannot be held to such a fiduciary relationship by implication.⁶

Novak goes on to discuss the natural law ramifications of the above; however, the most salient point is this: Cain destroyed God’s property, in this case his brother Abel, without justification or excuse. God made Adam the steward of all His creation, and that stewardship was implicitly passed on to all the generations

⁵ Edmund Burke, *Reflections on the Revolution in France* (Harmondsworth: Penguin Books, 1968; first published 1790), 90.

⁶ *Natural Law in Judaism*, David Novak (Cambridge, UK: Cambridge University Press, 1998), 34.

of humankind. In that sense, Cain ought to have known he was his brother's "keeper."

Cain's sin, like that of his parents, was rooted in his lack of trust in God's wisdom, and his rejection of God's paternal advice concerning the "couching beast." He was, in that sense, much like every teenager who "knows better" than his or her parents and teachers. He was also much like modern man who, in his *hubris*, believes himself the equal of God, and therefore his own master and ultimate judge of his own actions. A Nazi defending himself before the Nuremberg Tribunal could not have put it better: "I was obeying the laws of my country, that is to say the laws I and my fellow citizens made for us. By what right or law do you now presume to judge me, if it is not the right of your own will and might?"

The Nuremberg judges may have, like God, responded that the blood of six million Jews, and millions of other "brothers and sisters" cried out to them for justice, but the Nazi could have replied, "You are not God, or gods, but men. You too obey the laws of your nations; you too have innocent blood on your hands. Am I the 'keeper' of the Jews? If you were their 'keeper,' why didn't your nations receive them and save them?"

According to Rabbi Novak, "the original sin of humankind, namely, that which is repeated by everyone at one time or another, is twofold: the temptation to see oneself as God's equal, and as the absolute superior of one's fellow humans. Idolatry thus breeds violence."⁷ Modernism, at least as it was understood and critiqued by Nietzsche and his followers, rendered God dead or irrelevant by dogmatically adhering to a scientific materialism and naturalism that denies the supernatural. Thus, whether professing faith in the "natural goodness" of humankind or an assertive will to power, modernism progressed from the Terror of the 1790s and the Napoleonic Wars to the slaughter and degradation of the Concentration Camps and the Gulag. Men and women idolized themselves, as gods and goddesses created in their own image.

God's original sentence, that the earth will be barren to Cain and that he will be a wanderer and a fugitive all his life, is mitigated by Cain's recognition of his sin and his repentance. One could say that this repentance came about upon reflection, once

Professing faith in men's and women's "natural goodness" or in their assertive will to power has same deadly results.

⁷ *Natural Law in Judaism*, 35.

the heat of his passion had cooled. However I would be cautious about that conclusion, because Cain's initial answer to God, like that of the Nazis at Nuremberg, who were "only obeying the law, and following orders," is quite rational. I believe Cain's repentance comes after he has reflected on both the crime he has committed and his attempt to rationalize that crime.

Liberty entails the control of man's lower nature by the wisdom and prudence of the higher.

The "mark of Cain" is a sign of God's mercy meant for Cain's protection. Cain is to become a founder of a City and it is at this point I believe that both Cain and we the readers of his story reach the understanding that civilized humankind must live together under a rule of law that acknowledges God. To the extent that we have liberty, it must be ordered liberty, and implicit in that concept is self-control and control of the passions of others. Civil Society is founded upon an "organic constitution" for the body politic; like the constitution of the individual body our impulsive and emotive lower nature must be constrained by the wisdom and prudence of the higher.

This conclusion is reached when we reflect upon the beast that dwells in the dark vestibule of the human heart. When we ignore the presence of the beast under the illusion of our "natural goodness," we do so at our peril. For reason and will can be perverted when reason and will become passion's slave; and reason can make rational arguments in favor of the "right to do wrong," and wrong action will follow as the result of a perverted will.

Man's law, the *nomoi* of the *Polis*, must conform to a higher law if those laws of the city are to be just. An interesting parallel is seen in the foundation myth in Plato's *The Protagoras*. *The Protagoras* is a dialogue between Socrates and Protagoras on the meaning of justice, particularly on the subject of whether or not justice can be taught. The section that parallels Cain's entry into the civilization of the city under a rule of law is contained within a myth of the foundation of civilization that is told by Protagoras:

They sought therefore to save themselves (from being eaten by beasts) by coming together and founding fortified cities, but when they gathered in communities they injured one another for want of political skill. . . . Zeus therefore, fearing the total destruction of our race, sent Hermes to impart to men the qualities of respect for others and a sense of justice, so as to bring order into our cities and create a bond of friendship and union.

Hermes then asks Zeus whether justice and respect for fellows is to be distributed like the skills in the arts, where one skilled per-

son would suffice for many, or if he should distribute justice and a respect for others to all alike. Zeus says that all must share in those attributes equally, since there couldn't be cities without the citizens sharing those civic virtues. And those who couldn't acquire such virtues should be executed as enemies of the *Polis*.⁸

The above indicates a pagan understanding that justice and respect for fellows was a gift of the gods. Rather than being indicative of "natural goodness," the myth, which is derived from an observation of human nature, points to the destructive tendencies in humankind, the dangers of uncontrolled passions and the defects of reason, and the need for a rule of law that acknowledges the transcendent justice that resides only in the divine.

Rabbi Novak makes a similar observation in his reference to Cain as the founder of a city named after his son, Enoch, which may signify Cain's intent for the city to exist into perpetuity, Enoch meaning "the dedicated one."

The city itself would seem to be Cain's protection, both from those who would murder him and from his own homicidal temptations. . . . What could be inferred from all this is that without socialization, humans are left unprotected from being both the victims and the perpetrators of violent death by natural forces as well as by their own hands. A justly ordered society is a requirement of human nature if human beings are to survive, let alone flourish.⁹

V. The Earth Is Mine

"The earth is the Lord's, and the fullness thereof; the world, and they that dwell therein." The words of the *Psalms* reference the traditional Judeo-Christian understanding of a Landlord/Life-Tenant relationship between God and each generation of humankind. This concept is implicit in God's grant to Adam of the earth and all it contains for his beneficial use, with the understanding that title and ownership remains with the Lord. Also implicit in this concept is the Landlord's requirement for each generation to live according to His covenants and to render unto Him what is His due.

From the Landlord/Life-Tenant relationship we can infer all the basic moral laws of Judaism and Christianity that were incor-

⁸ *The Protagoras*, Plato, trans. W. K. C. Guthrie (London: Penguin Books, 1956), 54.

⁹ *Natural Law in Judaism*, 36.

*Moral laws of
Judaism and
Christianity
can be known
intuitively.*

porated into the positive law of the Christian West. Further, this law is intuitive for those who live together in Civil Society. For example, anyone who has lived in an apartment has signed a lease containing numerous covenants, mostly in the form of negative commandments. Typically, all the covenants require is that the tenant treats the Landlord's property and his or her fellow tenants with respect. For example: don't throw your trash in the common areas; curb your pets and discipline your children; don't blast your stereo at all hours; don't vandalize the property, etc. And of course, pay your rent when it is due. Most people will comply with such requirements without reading or knowing the covenants. Those people are "good tenants" according to the Natural Law that the Apostle Paul said is "written in our hearts."

However, some tenants will act in ways that violate the covenants, following their own evil inclinations and demanding their "right to do wrong" in defiance of the Landlord and as if to say, "Am I my neighbor's keeper?" Bad tenants hire lawyers who study the covenants carefully to see if they can make legal arguments preserving the tenants' "right to do wrong."

The tenant's willful breach of the Landlord's covenants is well illustrated by the New Testament parable of the "Vintners." In the parable a man plants a vineyard, puts a hedge around it, digs a pit for a winepress, and rents the land to some vinedressers. The man then goes away to another land. When the grapes are ripe, the Landlord sends a servant to collect some of the fruit of the vineyard, which is his due. The vinedressers beat the servant and drive him away without the rent. Each time the Landlord sends a servant to collect what is due him, the servants are treated more shamefully, until finally the servants are killed. The man then decides to send his only son, who he says the vinedressers will respect. "But those tenants said to one another, here is the heir; come on, let us put him to death, and the inheritance will be ours."¹⁰

Our present tragedy in the United States is that the law is being transformed against the will of the majority of the American people, according to the dictates of a minority of latter day "vintners" a.k.a. "progressives" supported by many in the federal judiciary and a majority of the U.S. Supreme Court.

The Court has, over the past few decades, used the most bla-

¹⁰ *The Amplified New Testament*, Mark 12:7.

tant sophistries to usurp the power of the people and their elected representatives by arrogating unto itself powers not expressly granted by the Constitution. The Court has, in the words of *The Federalist No. 78*, “. . . exercise[d] WILL instead of JUDGMENT,” substituting the Court’s pleasure for that of the legislature. Thus, *mirabile dictu*, the Court now occupies a place both within, and at the same time nebulously above, the body politic, a place that the authors of the Constitution apparently intended to leave empty. That is to say, the constitutionally created federal judiciary has been historically transformed into a transcendent body composed of self-anointed “men and women of gold,” the sole ultimate arbiters of a utopian moral order.

In a sermon preached before the King of England in 1717, Bishop Hoadly remarked, “Whoever hath an absolute authority to interpret any written or spoken laws, it is he who is truly the law-giver, to all intents and purposes, and not the person who first spoke or wrote them.”¹¹ In this apparent usurpation of the democratic process, jurisprudential liberals and jurisprudential conservatives have played distinctly different roles. While the conservatives have, in most instances, deferred to the will of the people as expressed in democratically enacted laws, overturning such laws only in cases where there is a clear and convincing constitutional basis for doing so, the liberals have overturned democratically enacted laws relying on the most abstract and some would say specious of legal arguments. It appears the liberal judges have taken sides in *kulturkampf*, showing a true “partiality in judgment” in favor of the “rights” of the irascible, concupiscent, and emotive individual, even when those nebulous abstract “rights” conflict with the common good as expressed by the will of the majority, and in legal traditions grounded in the experience of millennia. To quote Robert H. Bork:

Modern liberalism is powerful because it has enlisted our cultural elites, those who man the institutions that manufacture, manipulate, and disseminate ideas, attitudes, and symbols—universities, churches, Hollywood, the national press (print and electronic), foundation staffs, the ‘public interest’ organizations, much of the congressional Democratic Party and some congressional Republi-

¹¹ Lockhart, Kamisar, Choper, and Shiffrin, *Constitutional Law*, 7th ed. (St. Paul, Minn.: West Publishing Co., 1991), 1.

cans as well, *and large sections of the judiciary, including, all too often, a majority of the Supreme Court* (emphasis added).¹²

Having usurped the authority of the states and the co-equal branches of government, the Court then abrogated our democratic right to regulate the morality of the communities in which we live. The Court fabricated “rights to do wrong” under the guise of a “general right to privacy,” the most egregious of which is the so-called “right to choose”: the killing of the unborn without justification or excuse. Further, the Court invented a “right to pornography” and a “right to sodomy” while removing prayer from the schools and the word of God from the public square. Apparently, the Court believes the First Amendment protects four-letter words and displays of perverted sex, but prohibits a public display of the Ten Commandments.

If the Court is allowed to maintain its course, who knows what future atrocities await us—the murder of the aged, the infirm, the mentally ill, unwanted children and the “politically incorrect”? We have already seen such horrors perpetrated by modern cultures under the color of a utilitarian law that refuses to render God his due. One of the Supreme Court’s boldest statements of liberty transformed to license and moral anarchy is contained in *Planned Parenthood v. Casey* (1992). According to Justices O’Connor, Kennedy, and Souter, “[a]t 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. Beliefs about these matters could not define the attributes of personhood were they formed under the compulsion of the state.”¹³

If the “right to do what we want” rather than the “right to do what we ought” is at the “heart of liberty,” then how can “state compulsion” restrain the “liberty” of Burke’s madman, highwayman, or murderer who, defining their “own concept of existence, of meaning, of the universe” think themselves gods and therefore answerable only to themselves? The fundamental issue in *Planned Parenthood v. Casey* is, despite the Court’s sophistical evasions and pompous rhetoric, whether or not individuals have the right to take human life without justification or excuse.

¹² Robert H. Bork, *Slouching Towards Gomorrah* (New York: ReganBooks/Harper Collins Publishers Inc. 1996), 7.

¹³ *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 112 S.Ct. 2791, 2807 (1992).

The “compulsion of the state,” according to the majority of this Court, is any democratically enacted law that has its roots in Judeo-Christian morality, and at the “heart” of this Court’s “liberty” is the “heart of darkness” and nihilism of the unrestrained Cain and the vintners. According to the Court’s own twist on the nihilist’s creed, “God is dead, and He has been replaced by the Court; therefore everything the Court tolerates is permitted.” One wonders how far our judicial oligarchy will go in what they, in their divine omniscience, deign to permit?

In *The Birth of the Modern*, historian Paul Johnson examined the phenomena of social change during the first decades of the nineteenth century. In a striking passage Johnson refers to the writings of Chateaubriand concerning the return of Religion in post-Revolutionary France.

Chateaubriand noted the extraordinary impact on the human senses of the sound of church bells heard from afar across the countryside, especially after a period when they had been long silent—the voice, as it were, of the deity speaking, and touching the hearts of ordinary men and women in a way no other sound could. The passage was apt; for at the time the book appeared Bonaparte was making the Republic’s peace with the church, and the bells, long unlawful, could be heard again.¹⁴

The bells remind us of the duty we owe the Landlord who made us the keepers of His property, this earth and all that dwells therein, and warns us of the couching beast that waits for us in the dark recesses of our human heart. Will those bells soon be silenced by our federal courts if some present or future Cain claims that their sound invades his or her “zone of privacy”? And will another bell, our Liberty Bell, be removed from public view because it invokes the Old Testament, “Proclaim liberty throughout the land unto all the inhabitants thereof”? I hope not, but if it does come to pass, it will be the consequence of an irascible demand for the “right to do wrong” and the unprincipled and craven acquiescence of those who ought to know better.

*Will the bells
be silenced?*

¹⁴ Paul Johnson, *The Birth of the Modern* (New York: Harper Perennial, 1992), 111-112.