Doctrine of Morality v. Integrity: Introduction; Establishment of Morality: Kirk's "Rights & Duties": "Cultus" is the Source of Positive Law

In view of the conflict of visions that define Progressive ideology and Traditional standards, it is important to define the difference between morality and integrity.

The Doctrine of Morality versus Integrity

I. **Introduction**:

1. In this study we will develop from Scripture two concepts:
    1) A code of conduct to which all humans, believers and unbelievers alike, agree to submit for the purpose of preserving order. We will define the person who loyally submits to this system as a person with "establishment morality."
    2) A code of conduct to which all believers agree to submit for the purpose of executing the Christian way of life. We will define the individual who loyally submits to this system as a person with "establishment integrity" and "Christian integrity."
2. We will further develop from Scripture that there are two divinely ordained systems within which one executes these codes; (1) the laws of divine establishment and (2) the operational divine power system.
3. The dictionary provides definitions for the words "morality" and "integrity." We will utilize its definitions but we will apply them as doctrine so indicates.
4. For example, we will learn what morality is and then apply its definition to those the Bible identifies as "moral."
5. We will learn what integrity is and then apply its definition to those the Bible identifies as people of integrity.
6. The dictionary and society both use these two words synonyms. We shall not.
7. The unbeliever is limited to mere human power and thus restricted to a human level of conduct that is hampered by its genetic submissiveness to the dictatorship of the sin nature—its trends, strengths, weakness, and lust patterns.
8. On the other hand, the believer has available to him divine power and thus may not only attain the heights of human morality but also the rarefied atmosphere of spiritual integrity.
9. Drawing distinctions between morality and integrity will be the thrust of this segment of our study of how to discern the truth from the lie.

II. **The Establishment of Morality**:

1. Morality is not a virtue as far as the Christian way of life is concerned. Instead, morality is a standard of behavior that, when followed, insures the survival of the human race and must be the modus vivendi of the believer and unbeliever alike.

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2. Human laws find their source in the collective agreement of the many as to what is moral and immoral. Therefore, human law is society's written chronicle of its moral beliefs.

3. I would further declare that in the crucible of human history, those moral beliefs that have proved to be the "permanent things" have divine revelation as their foundation.

4. In order to set the tone for our study of how biblical principles are the basic influence upon our system of order, justice, and freedom, we turn to a chapter from a book by my favorite author on these subjects:

Kirk, Russell. "The Christian Postulates of English and American Law." Chap. 11 in *Rights and Duties: Reflections on Our Conservative Constitution*. Edited by Mitchell S. Muncy. (Dallas: Spence Publishing Co., 1997), 139-43; 145-49:

True law necessarily is rooted in ethical assumptions or norms; and those ethical principles are derived, in the beginning at least, from religious convictions. When the religious understanding, from which a concept of law arose in a culture, has been discarded or denied, the laws may endure for some time, through what sociologists call "cultural lag"; but in the long run, the laws also will be discarded or denied.

With this hard truth in mind, I venture to suggest that the corpus of English and American laws cannot endure forever unless it is animated by the spirit that moved it in the beginning: that is, by religion, and specifically by the Christian people. Certain moral postulates of Christian teaching have been taken for granted, in the past, as a ground of justice. When courts of law ignore those postulates, we grope in judicial darkness. (p. 139)

Nowadays those postulates are being ignored. We suffer from a strong movement to exclude such religious beliefs from the operation of courts of law, and to discriminate against those unenlightened who cling fondly to the superstitions of the childhood of the race.

Many moral beliefs, however, though sustained by religious convictions, may not be readily susceptible of "scientific" demonstration. After all, our abhorrence of murder, rape, and other crimes may be traced back to the Decalogue and other religious injunctions. If it can be shown that our opposition to such offenses is rooted in religion, then are restraints upon murder and rape unconstitutional?

We arrive at such absurdities if we attempt to erect a wall of separation between the operation of the laws and those Christian moral convictions that move most Americans. If we are to try to sustain some connection between Christian teaching and the laws of this land of ours, we must understand the character of that link. (p. 140)

J. C. Gray writes in his *Nature and Sources of the Law* [2d ed. (Peter Smith, 1972) pp. 308-09], "One of the main difficulties and causes of confusion in Jurisprudence has been the failure to distinguish between Law and the sources of Law." A country's law is "composed of the rules for conduct that its courts follow and that it holds itself out as ready to enforce." But these rules, Gray continues, … in part arise from ethical principles; and I may be allowed to add to Gray, ethical principles ordinarily arise from religious perceptions.

I am suggesting that Gray, though conceding something to Christian ethics as a source of law, still *concedes* too little. I am suggesting that Christian faith and reason have been underestimated in an age bestridden, successively, by the vulgarized notions of the rationalists, the Darwinians, and the Freudians. (p. 141)

What Christianity (or any other religion) confers is not a code of positive laws, but instead some general understanding of justice, the human condition being what it is. (p. 142)

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Judges cannot well be metaphysicians—not in the execution of their duties upon the bench, at any rate, even though the majority upon the Supreme Court of this land, and judges in inferior courts, seem often to have mistaken themselves for original moral philosophers during the past quarter century. The law that judges mete out is the product of statute, convention, and precedent. Yet behind statute, convention, and precedent may be discerned, if mistily, the forms of Christian doctrines, by which statute and convention and precedent are much influenced. And the more judges ignore Christian assumptions about human nature and justice, the more they are thrown back upon their private resources as abstract metaphysicians—and the more the laws of the land fall into confusion and inconsistency. (pp. 142-43)

The Christian doctrine of natural law ["the established law within nature that so necessarily agrees with the nature of human beings, that without observing its maxims, the peace and happiness of society cannot be preserved" (Steven Giffis, *Legal Terms*, 313)] cannot be made to do duty for "the law of the land." Nevertheless, if the Christian doctrine of natural law is cast aside utterly by magistrates, flouted and mocked, then positive law ["standards of conduct dictated by validly enacted laws, rather than principles of natural law" (Gifis, 362)] becomes patternless and arbitrary.

Would it be preferable to have the law arise from the narrow and fanatic speculations of some ideologue? Christian doctrine, in the United States and Britain, is not the law, yet it is a major source of the law, and in particular a major foundation of jurisprudence. The reality was understood by the two principal legal scholars of the formative era of American Law, Justice Joseph Story and Chancellor James Kent. (p. 143)

NOTE: Joseph Story was a member of the US House of Representatives from 1808-09 and associate justice of the Supreme Court of the United States form 1811-45. With James Ken, he was considered a founder of equity jurisprudence in the US.

James Kent was chancellor of the New York Court of Chancery from 1814-23. His decisions and writings did much to create the American system of equity jurisdiction based on principles established in English chancery practice.

Chancery is a court of equity.

Equity is defined as "a system of law originating in the English chancery, comprising a settled and formal body of legal and procedural rules and doctrines that supplement, aid, or override common law and designed to protect rights. It is a court designed to do justice between parties in cases where common law gave inadequate redress. It is designed to achieve a lawful result when legal procedure is inadequate. (*Merriam-Webster's Collegiate Dictionary*, 11th ed. (Springfield, Mass.: Merriam-Webster, 2003.)

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