

The Catholic Lawyer

Volume 2
Number 4 *Volume 2, October 1956, Number 4*

Article 5

April 2016

Truth and Faith

Anthony P. Kearns

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>



Part of the [Catholic Studies Commons](#)

Recommended Citation

Anthony P. Kearns (1956) "Truth and Faith," *The Catholic Lawyer*. Vol. 2 : No. 4 , Article 5.
Available at: <https://scholarship.law.stjohns.edu/tcl/vol2/iss4/5>

This Article is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

TRUTH and FAITH

ANTHONY P. KEARNS*

GEORGE W. GOBLE, ESQ. in his article "The Dilemma of the Natural Law"¹ continues in brilliant fashion and with acute mind this subject on which he initially wrote so well in the *American Bar Association Journal*.²

In discussing Mr. Goble's latest treatise, I would like to consider his story of Xenophon and Zeno.³ In this tale, as so recounted, Messieurs Xenophon and Zeno were not Greeks, but prehistoric cave dwellers, who lived in a constant state of strife and combat. After a terrific struggle, Xenophon knocked Zeno down, jumped upon him and picked up a boulder with which to bash his head in. But Xenophon just did not kill Zeno, because a thought flashed through the victorious brain that he was superior and it was not necessary to kill the prostrate Zeno. Before that, cave dwellers always crushed the skull of a defeated adversary, but now out of nowhere an added quality of the milk of human kindness swells into the savage breast of Xenophon. How Mr. Xenophon became so mercifully inclined we are left with the possibility, "Perhaps it was caused by chance." Zeno is grateful for continuation of his humble lot and brings gifts to his conqueror and Xenophon thereupon decides it's good to spare a life because the living conquered one "will bring me food." And so, we are told, "A moral law had evolved." Compared to this tale, the biblical account of the creation of man in Genesis and of Cain and Abel is like an on the spot live television program. Undoubtedly, the moral law implied to have evolved in the tale of Xenophon and Zeno is that one human being should not murder another. Before that, murder was the proper order of the day and of the night as well. This prehistoric saga rather indicates that, instead of the birth of morality, there was an evolution by which dictators and tyrants, in the person of the bullying Xenophon, and slaves and sycophants, in the person of the obsequious Zeno, came to plague us.

*A.B., M.A., Seton Hall (1921); LL.B., Fordham Law School; Knight of St. Gregory; formerly Judge of Recorder's Court, Bernards Township, N. J. and of Somerset County (N. J.) District Court.

¹ Goble, *The Dilemma of the Natural Law*, 2 *CATHOLIC LAWYER* 226 (July 1956).

² Goble, *Nature, Man and Law*, 41 *A.B.A.J.* 403 (1955).

³ Goble, *supra* note 2, at 407.

For an analysis of this story of Xenophon and Zeno on a rational basis, I state two propositions, namely: out of nothing, nothing is made; and no effect is greater than its cause. To say that Xenophon caused his own sense of morality or that it happened by chance is contradictory of these propositions. To act, the cause must possess the potentiality to accomplish the result. Hence, Xenophon must have possessed a faculty capable of judging that not to murder is good and this faculty had to be possessed with such capacity before the fact and not after. To hold otherwise is to make the effect the production of the cause. To hold that the cave man himself produced his sense of morality or that it happened by chance is to become a disciple of subjectivism or to be immersed into pantheism.

Xenophon and Zeno had the use of reason, for we are informed in Mr. Goble's story of their thoughts. The simplest act of the intellect is an idea; thus tree, color, desk, size, beauty, morality, bravery, evil, and so on, ad infinitum, all abstractions. Then we have judgment, when we predicate one idea about another, as the tree is an elm or to spare life is good. Lastly from two judgments, we can conclude a third, for example, a man has a soul, George Goble is a man, therefore George Goble has a soul or just plain old, a equals b, b equals c, therefore a equals c. This we call reasoning and we have nothing more. But, no other being but man has this power to reason. On this process of reasoning are all our accumulated stores of knowledge built and our sciences developed. When we express a judgment, be it an original one or one inferred by reason, whether spoken or written or by sign language, we

state a proposition. Now, here, into our discussion must come the question of truth. A thing cannot be true and false at the same time. There is no border line of truth. Truth is marked by a precise line of demarcation. Let us see: I have a pen in my hand. From its shape, color and other characteristics, I form the judgment "This object is a pen." Objectively the pen exists and I have objective knowledge of it. Then, if I state the proposition, telling you "This object is a pen," my statement is true, but if I tell you that what I have in my hand is an oyster, I have stated a falsity, for my proposition does not conform to my judgment. If, however, I have in my hand a small atomic bomb cleverly disguised with all the appearances of and indistinguishable from a pen, and I know it is such a terrible weapon, and again I tell you it is a pen, I again lie; but, if I do not know it is a bomb and think this object is a pen, then subjectively I do not lie for my proposition agrees with my judgment, but objectively neither my judgment nor my proposition agree with the object itself and are false. I, as a man, am responsible for my utterances and my acts. The law itself places such responsibility on men, regulating their conduct. Aside from per se legislation (in which intent is presumed), the defendant is charged with wilful violation of the law. The law takes into account the necessity of the prisoner having a fixed purpose to commit the crime. Thus, for example, there are degrees of manslaughter and murder, and the culpability increases as the intent and wilfulness are more pronounced.

As seen, we can, and often do, make erroneous judgments. But this is in nowise due to the objectivity of the external and is actually discovered, when discovered as

false, by our reason which dictates that an object in existence does not exist otherwise than it does exist. Look at a glass jar filled with a mixture of very small balls, some white and some black, and the whole mixture appears to be gray, but each ball when scrutinized alone will be either black or white. I look at my desk and it seems very solid indeed, but now I am told there is space separating the component parts of the myriad atoms that make up the desk. The moon looks like a flat disc but I believe it is a sphere. The painted canvas is really flat but the artist by foreshortening, perspective and shadow creates the illusion of three dimensions. The blind man does not see color, but has a notion, though very imperfectly, of it; color-blind persons are confused in their sense of color, yet have notions of it; and the man with perfect vision has the best idea of color and even he can be deceived in his sense of perception. To state that the deception is known is to state that, by the intelligence, conformity of judgment with the object as it exists can be made. We might also here remember that, along with other accidental aspects, the color of a man's skin classifies him as Caucasian, Negroid, Mongolian, Indian or Malayan but doctors of dermatology tell us the same brown pigmentation is common to all of us.

While the objectivity of truth makes it attainable through reason, it nevertheless remains that most of our knowledge is taken on faith.

In our arriving at knowledge we should, therefore, scrutinize the source from whence it comes. A physician is a better authority on disease than a baker even though the baker may actually be in contact with more

germs in a fly-ridden bakery; an astronomer can tell more facts about the moon than an artist who paints lunar scenes; and a theologian can tell more about God than a scientist will find in a test tube. Shakespeare's Caesar said "I am as constant as the northern star, of whose true fixed and lasting quality, there is no fellow in the firmament," but alas, the twin suns which we call Polaris were not the north star of that day and date. This I know on the authority of astronomers and must therefore discard the assertion of the great bard.

Yet faith we must have. Faith in man and faith in God. Left to ourselves, however, our faith may be misplaced, as equally left to ourselves without faith, we could know and accomplish but little. There must be some norm by which man can guide his destiny. Can it be that, if most men should come to agree with Hitler's persecution of minority peoples, genocide would be considered lawful, or that if they should agree with Lenin, Stalin and Khrushchev, that democracy means the will of the party members, who are but a small minority of the entire people ruled by them, that those standards have evolved on which law is to be based? Something in us shudders with our emphatic denial of this. For it is against our nature to accept such a proposition and we may rightly call the conduct of these tyrants unnatural. This is because as men we are not instinctively cruel but our faculty of the intellect desires truth and our free will seeks good. There is a norm for our thinking and conduct. This we call the natural law, the law of our nature as men based on right reason, and, as long as there are men with the attributes contained in the definition of man, they must act and think according to this nature.