

OF HUMAN INDIGNITY AND THE LIMITS OF ETHICS

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Abstract

Human dignity is threatened by human sinfulness, but also limited by non-sinful human indignity. In some aspects of creaturely existence, humour, sex and play, for instance, we are released from our dignity and the ethical evaluations that go with it. These should be appreciated as God's good gift. Drawing on the book of Job and Psalm 39, the article argues that, precisely because Christian ethics goes beyond middle-class ethics, theological anthropology cannot restrict itself to an ethical perspective in which God is seen solely as Judge. This leads to a moralism that is humanly intolerable and theologically untenable: it ignores the 'zeroth stipulation' of the Decalogue, which points to God's creative and consummative grace.

Key Words: Decalogue, Human dignity, Psalm 39, Book of Job

The Discreet Charm of Bourgeois Ethics

In a previous article (Lawrie 2009) I discussed the dialectic between human dignity and human finitude, arguing that neither is a self-evident fact. Since both emerge only in our relationship with God, it is more accurate theologically to speak of human queenship and human sinfulness. The idea of queenship robs us of "a decent middle-class portion of dignity", I said (2009:617), not noticing how apt the class terminology was. For the words 'queenship' and 'sin' are offensive to *middle-class ethics*, the ethical discourse that occupies among the ethical discourses the position that the middle class occupies in society. It is an ethics that neither pursues sainthood nor flirts with the demonic. It is neither servile nor imperious; neither regal nor abject. While appealing to a modicum of human dignity, it makes light of human shortcomings: "To understand all is to forgive all". Offences, if 'seen contextually', are not that offensive. Thus sins, now more aptly called indiscretions, are simultaneously generalized and attenuated.

The charm of middle-class ethics resides in its discretion: if it is discreetly charming, it is also charmingly discreet. As a guide to conduct it has all the advantages that Hume (1985:545ff) found in "the Middle Station of Life". When we sacrifice the *princesse lontaine* (or prince charming) for the more homely charm of girl (or boy) next door, we find that the latter, though less splendid, is also less *unheimlich*. When we trade the unpredictable whims of the tyrant for the predictable sleaze of the politician, it is pure gain. In this moral democracy, ideally supported by legal positivism and social constructivism, we communally vote pardons for the more popular sins, while maintaining human rights as a bulwark against anarchy. Predictably, disapprobation takes the form of moral indignation. It is reserved for those who refuse the rituals of mutual moral grooming and insist on being saints and sinners instead of being respectably mediocre.

Pleasing as it is to mock middle-class ethics, prudence counsels against overindulgence. Since most of us *live* by this ethics most of the time, the charge of hypocrisy may strike home. *Si Deus non daretur* we have little better to offer when we elect to "remain within

the penultimate” or “make contributions to the moral debate” that are not explicitly theological.¹ For his sterner ethics, Kant (1869:149ff) could not do without a ‘God hypothesis’. Queenship lurks in his notion of *Achtung* (cf. 1869:104ff) and, as Barth (1972:294) points out, Kant shocked his contemporaries by speaking of a radically evil principle in humanity (Kant 1934:27ff), that is, of *sin*. Nietzsche’s brilliant criticism of middle-class ethics issues in a stark affirmation of kingship (*not* queenship) and villainy (‘sin’ in his conception; cf. 1980g:288). Yet the freedom that he offers from the pervasive if tepid moralism of middle-class ethics is deceptive. With iron consistency, he recognizes that the greatest test of the *Gewaltsmensch* is *Selbstüberwindung*.² One has to become in one’s own self, as he finally did, both Dionysus and the Crucified (cf. his final letters 1980j:160; Cate 2003:548f).

Macintyre (1985:113ff) rightly says that Nietzsche presents us with a real if frightening option in moral thinking. It is frightening not because it is immoral, but because it all too intensely moralistic.³ Is this not also true of a Christian ethics of queenship and sinfulness? Our all too human shoulders cannot constantly bear the burden of our exalted calling or our degraded behaviour. In the presence of God we can evade neither, so it seems desirable that we should sometimes evade the presence of God. In two places in the Old Testament precisely this is said.

God’s Elusive and Oppressive Presence

Scholars who regard the view that Job calls on God against God as overly paradoxical (thus Habel 1985:304ff, Clines 1989:389), often overlook an equally puzzling paradox in the book. Job, it is generally acknowledged, struggles with the problem of ‘the absent God’, yet three times Job’s objection is to the *presence* of God.⁴ In 7:19, 10:20 and 14:6 Job asks God to ‘look away from him’, to leave him alone. The request appears in each of Job’s three responses to his friends in the first cycle of speeches, each time in the closing section. The repetition, the use of the same verb in each case⁵ and the placement should warn us against the assumption that these verses may be read as spontaneous – if somewhat illogical –

¹ And this is sometimes necessary. One should sometimes speak theologically ‘without apology’ (Hauerwas 2001:1) and take one’s bearings from the church and its tradition (Hauerwas 2001: *passim*). Hauerwas, however, demonstrates the danger: one’s ‘church’ might get ever smaller and its tradition ever narrower. Soon, I fear, Hauerwas will discover that Paul was a liberal Protestant infected by Enlightenment values. Then one has to return strategically to a shared humanity (also entrenched in the church’s tradition) and endorse Appiah’s ‘partial cosmopolitanism’ (2006:xvii). Everyone – Appiah included – will agree that one has to go beyond such a minimalistic ethics, but it makes conversation between people from different traditions possible (Appiah 2006:xxi).

² Nietzsche’s objection to middle-class ethics is that its ‘liberalism’ makes people ‘klein, feige und genüsslich’ and fosters “die verächtliche Art von Wohlbefinden, von dem Krämer, Christen, Kühe, Weiber, Engländer und andre Demokraten träumen” (1980g:415g). Cate (2003:31f) points out that the notion of self-overcoming was already present in Nietzsche’s writings at school; it remained central to his thought (cf. 1980d: 384ff, 1980i:18).

³ Thus he writes to Rée that the intellectual heroism in which he is engaged involves “self-sacrifice and duty and indeed a daily and hourly one” and that to be his helper one has to have “a morality of the highest order” (quoted in Cate 2003:390). Note also his emphasis on discipline (*Zucht*) and ‘hardness’, which is ultimately imposed by nature (cf. 1980f:206f, 268ff) – the ‘naturalizing of morality’ (1980i:27) always spawns harshness.

⁴ “What [Job] seeks ... is for God to be more *absent*” (Balentine 2006:135, his emphasis).

⁵ In 10:20 neither the *Ketib* כִּי־יִשָּׁא nor the *Qere* וְיִשָּׁא yields sense, thus וְיִשָּׁא is to be read, as suggested by the LXX and the parallel in Ps 39:14. Regarding the problem, see Fohrer (1963:201), Hartley (1988:190), Clines (1989:223).

expressions of distress. They have to be assessed carefully, each within its context and within the broader context of the first cycle.

Guilt is the theme of the friends' speeches in the first cycle. In an elaborate, verbose speech (intended, I believe, to convey both tact and pompousness), Eliphaz states as his central point that nobody is innocent before God: the creature is necessarily inferior to the Creator (4:17). Job should turn to God, who remains just (4:7), for relief (5:8, 17f). Bildad is both less tactful and more dogmatic. Instead of evoking the distance between Creator and creature, Bildad speaks of the distinction between the Judge and the one judged: the *de facto* Judge must *de jure* be just (8:3). This form of legal positivism implies that punishment itself is proof that a crime has been committed (8:4, 12). Zophar draws from this the logical conclusion that consciousness of guilt is immaterial to the guilt itself (11:5f). The inscrutable God (11:7f) self-sufficiently recognizes good and evil and acts accordingly (11:11). When he concludes that Job should repent and lay off his sins (11:13ff), one can only wonder what this could mean, given his argument.

In reply, Job does not immediately protest his innocence, but draws attention to his plight (6:2-13). Later (7:20) he even allows for the possibility that he has sinned – at least in the sense intended by Eliphaz. But, as Fohrer (1963:181) aptly puts it: "Sogar eine Sünde des Menschen könnte für Gott kein Anlass zu derartigen Quälereien sein." After all, if God is unwilling to forgive his sin (7:21), Job is willing to accept death as punishment (6:8f; 7:15). Faced with an onslaught that he is too weak to parry (6:4, 11ff; 7:12), Job asks for relief from his suffering (7:16) and, crucially, also from God's relentless moral scrutiny⁶ (7:18). Hence the 'bitter parody' (Clines 1989:192, Newsom 1996:395) of Ps 8: humans never asked to be made rulers, particularly not if this implies being judged by royal standards (7:17). Hence too the request for a brief respite from God's moral gaze: unless that is averted, then – precisely by Eliphaz's logic – God's punishment must be perpetual.

In reply to Bildad, Job paraphrases Eliphaz's words: before God nobody is just (9:2) and God relates to us as Creator to creature (10:8ff). But this makes a mockery of the retribution doctrine, for then *nothing but* God's own work, inevitably inferior to the Maker, is punished. Creation itself is then malicious (10:13), a pretext for permanently punishing (10:14ff; cf. Balentine 2006:176). It is in this context that Job does protest his innocence (9:21; 10:7), a purely human innocence that has no truck with Eliphaz's morality from above. Once more Job mentions God's oppressive moral gaze (10:6) and asks that this be averted from him (10:20). The latter verse introduces a new theme: *the very process of moral judgment, whatever its results, takes away the joy of life*. Should, Job implicitly asks, there not be some small part of human life that is primarily joyful, not primarily morally good or bad, something that escapes moral judgment?

Strictly speaking, Job does not reply to Zophar at all. Instead, he reaches the conclusion that his friends have nothing to teach him and are unwilling to listen to him (12:2f, 7ff; 13:1f). What Job says about God's rule (12:13-25) differ little from what his friends had said; Job merely draws different conclusions from it. If God's justice is inscrutable, what *human* difference does it make whether one calls God just or unjust? Job now wishes to continue the dispute with God as interlocutor (13:3, 15ff), but complains that God hides from him (13:24). God's presence now becomes desirable, provided God agrees to a cease-fire for the duration of the dispute (13:20f).

⁶ Such phrases abound in the commentaries: 'painful surveillance' and 'relentless scrutiny' (Balentine 2006:139), 'merciless scrutiny' (Clines 1989:192), 'unrelenting presence', 'oppressive presence' and 'obsessive scrutiny' (Newsom 1996:396, 415, 441).

Apparently, Job envisages a confrontation between two conceptions of justice: God's inscrutable justice, according to which Job is guilty and God is justly punishing him, and Job's very human justice, according to which God is guilty and Job, albeit innocent, is unable to inflict any punishment. At any rate, the distance between the divine and the human conditions is stressed repeatedly. Does God justly subject those 'born of a woman' to divine moral scrutiny (14:1-4, 16f)? If so, what can human beings hope for? Here too Job can find no better answer than that God should finally avert the divine moral gaze to allow the human creature some sense of accomplishment, however meagre (14:6). But in this verse the human creature appears not as a king or queen, but as a lowly day-labourer (cf. 7:1). Surely even hired hands have a right to rest and to some satisfaction at a menial job well done? If the task is too great, the stakes too high, even this is not vouchsafed them.

This is one act in a drama that is decidedly *not* a philosophical debate in which three positions are played off against one another, the only progression being logical. Later on, as I tried to indicate, Job builds his case around his purely human integrity, a dignity that he asserts over against God. At that stage he claims a crown that is not bestowed on him (as in Ps 8:6) as a mark of office and with an attendant commission. Here, however, he is groping towards that position. Given the limitations of creaturely existence – primarily moral weakness and mortality – what hope is there in the face of God's moral demands? Is one to be permanently subjected to God's judging gaze, terrorized by God's punishing hand and yet deprived of God's sympathetic ear?

This nexus of ideas re-appears in Psalm 39, which is probably dependent on Job. Here too suffering, the brevity of life and the inevitability of sin loom large. In the final verses the psalmist asks to be released from God's punishing hand (11) and judging gaze (14), but also prays to be heard and answered (13). Scholars who express surprise that God's gaze, generally desired as a mark of benevolent attention in the Old Testament, should be seen as oppressive in Job and Ps 39, may note this juxtaposition. Neither Job nor the psalmist desires the *complete* absence of God; both wish to be heard and answered by God. Nor is their concern primarily with relief from punishment. Both realize that as long as God subjects them to moral scrutiny, the punishment is inevitable. Nevertheless, both also find in God their sole source of hope.

Somewhat muted hints that God's holy presence may be intolerable appear also in Ps 90 and 139. But Gen 3:8 paradigmatically shows that the guilty flee God's presence and Is 6:5 assumes that God's visits, in whatever form, must amount to visitations for those 'born of a woman' and therefore inevitably impure. If, instead, we emphasize the justly famous creed in Ex 34:6f, particularly the parts about Yahweh's loyalty and mercy, we risk forgetting the terrifying context in which it appears there and elsewhere and dismissing the preaching of, for instance, Amos. We may end up with the comfortable God of Amos's audience: a God who is enough of a latitudinarian to overlook our sins and yet enough of a zealot to collaborate in our moral crusades. There are theological problems here that I cannot even begin to address. Therefore I limit myself to asking how we should speak about the human condition theologically in view of the questions raised by Job and Ps 39 – in itself a daunting enough task.

Under Moral Stars

To speak of human dignity theologically we have to speak of human queenship, placing it alongside human sinfulness and taking both terms more seriously than middle-class ethics does. Job felt that this imposes an intolerable burden on us, hence his plea that God should

'look away' sometimes, so that we may enjoy earthly pleasures and be satisfied with our modest accomplishments – those of a hired hand, not those of a queen. Ethics has to be suspended, not only theologically, in view of our destiny, but aetiologically, in view of our origin.

The night sky prompts the author of Psalm 8 to speak of human insignificance and human rule; Kant (1869:194) sees the starry firmament as correlative of the moral law. Does this mean that moral evaluation always peers down on us? Arnold van Ruler (1972), while recognizing that morality is essential to humanity and is rooted in God's calling, firmly denies that it is 'het enige van de mens' (34). 'Het zedelijke' belongs to God's order, 'maar niet als gesternte, doch alleen als fractie' (36). From this perspective he rejects the 'tragisch-titanisch levensgevoel' (35) and speaks – with qualifications – of creation as God's excellent joke (56).

Bonhoeffer (1963) makes the point eloquently, vehemently and at length. Having said that moral behaviour should usually 'go without saying', he turns on those who believe that "every moment of life involves a conscious decision between good and evil", and that every human act has "a clearly-lettered notice attached to it by some divine police authority" stating whether or not it is permitted. We must not assume that we should 'continually be doing something decisive, fulfilling some higher purpose and discharging some ultimate duty' (232). In this regard he speaks of the 'presumptuous misjudgement of creaturely existence', the 'pathological overburdening of life by the ethical' and "that abnormal fanaticization and total moralization of life which has as its consequence that those processes of concrete life that are not properly subject to general principles are exposed to constant criticism, fault-finding, admonition, correction and general interference" (233). Similar phrases abound in this section of the *Ethics*, giving ample testimony to Bonhoeffer's strong feelings on the matter. The 'ethical theme' becomes relevant in concrete situations of threat (234): when we are at sea, we take our bearings from the stars. But if we are forever star-gazing, we will be 'ineffectual in life' (236). Moreover, we forget that 'historical human existence' has a time for 'purposelessness', "inclination as well as duty, play as well as earnest endeavour, joy as well as renunciation" (232f).

If our sole banner is 'human dignity' (ours and that of others), which always has on its reverse side the skull and crossbones of human failure, if we are forever striving to be heroes and proving ourselves villains, we are mistakenly serious and seriously mistaken. Here Wittgenstein was wiser in his generation than some theologians. "In Christentum sagt der liebe Gott gleichsam zu den Menschen: Spielt nich Tragödie, das heisst, Himmel und Hölle auf Erden, Himmel und Hölle habe *ich* mir vorbehalten" (1998:21). Wittgenstein reminds us that the concrete tragedies of trampled human dignity give us no right to tragic airs, just as the concrete commission to rule gives us no right to regal airs.⁷ The airs signal the absence of the substance. The substance of tragedy is indeed all around us; so is the substance of royalty shining through the dross – had we but the generous eye to see it. With our inability or unwillingness to recognize in others the queenly dignity awarded by God (as opposed to the bourgeois human dignity we award 'democratically') I hope to deal elsewhere under the rubric 'the apotropaic defence of drabness'.

⁷ Also, "The cult of tragedy is too eager to help out with the holocaust. And in the last analysis, it is too pretentious to allow for the proper recognition of our animality" (Burke 1966:20), "[D]e Thora kent geen tragedie" (Miskotte 1939:188) and "Tragedy is alien to the Judaic sense of the world" (Steiner 1961:4). Regarding tragic *elements* in the Old Testament, I find the account of Fisch (1990:26-33) better than that of Exum (1992:1-15): the Old Testament "denies us the *consummatum est* of the completed tragic pattern (Fisch 1990:46).

Between royal triumph and tragic failure lie rich opportunities for human indignity, for what some call animal spirits and Bonhoeffer calls purposelessness, inclination, play and joy. In practice we use these opportunities eagerly; in our theory they are virtually always subjected to an ethical perspective, endowed with the dignity of duties or viewed as occasions for indignation.

Fooling around

Fearing that his achievements would lead him to pride, Luther told himself: “[I]f you are man enough, put your hands to your ears, and if you do so rightly, you will find a lovely pair of big, long, rough donkey’s ears. Do not spare the cost of decorating them with golden bells so that you can be heard wherever you go...” (quoted in Barth 1971:113). He could, instead, have professed his sinful nature, but such formalized professions are, if not hypocritical, pretty meaningless. Sometimes they amount to saying, “Look at what I, miserable sinner, have achieved” or, “If I am so despicable, what must you be?” We may learn from Job that it is as bad to claim a sinfulness to which we are not entitled *coram hominibus* as it is to claim sinlessness *coram Deo*. Of many people it can be said that they are, by human standards, donkeys more often than they are devils.

In at least three areas we regularly ‘sacrifice’ our dignity gladly: humorous banter, play and sex.⁸ All three activities may be called ‘fooling around’, for in all of them the participants appear quite foolish to outsiders. A middle-aged man rolling on the floor, clutching his stomach and making weird noises is not a supremely dignified figure, but this is exactly what I was when I first read *The Definitive Biography of PDQ Bach*. As Huizenga (1955:197) points out, sport is no longer a prime example of play, yet even sports events still illustrate the surrender of dignity. Apart from the behaviour of the audience, a rugby player has to suffer countless indignities to attain, perhaps, a few seconds of elegance and poise. Many old parlour games were designed to put people in foolish roles. As for sex, those who think that the verbal interchanges between a couple rightly called ‘besotted with each other’ are inane in the extreme should consider that things get worse as words yield to deeds. If you imagine people you know in the throes of passion, the ridiculous outweighs the titillating by a huge margin.

That these activities are universally human, though subject to cultural modifications, has been argued by Huizenga (1955:46, 75) for play and by Berger (1997:71) for humour; for sex no argument is required. That they are closely related and often pass into one another is obvious. To provide a list of linkages would be tedious: suffice it to say that sex without comic and playful elements would be virtually unthinkable and that in play and humour the sexual often lurks in the background. The Hebrew roots קחש and קצח are used indifferently for laughing and playing, the latter also once for sexual intercourse. Together they constitute the major stars – not the only ones – in the constellation of human indignity.

An index of the inherent indignity of humour, play and sex is that these activities evoke outbursts of fierce indignation when they are deemed inappropriate. The point is not that the outbursts are sometimes unjustified, but that they are often justified. The activities have a ‘de-dignifying’ potential that can be harnessed to rob people of their dignity, rape being the most blatant and extreme example. Nevertheless, we also laud those who use these means (at least some of them) to deflate excessive pretensions and spurious regal airs. Currently the use of humour to ‘subvert power structures’ has a particularly good press (cf.

⁸ I mean what CS Lewis (1961:91f) calls Venus (roughly sexual desire) and not what he calls Eros (erotic love).

Berger 1997:12; Cilliers 2009:192ff). Apparently, we agree that people suffer when they are deprived of human dignity, but that an overdose of dignity is insufferable in humans. We need the cap and bells as much as we need the royal diadem and the crown of thorns.

As the previous paragraph has indicated, the constellation of human indignity can be subjected to positive and negative moral judgements. Occasionally one still hears more or less blanket condemnations from religious or irreligious puritans. The latter are now the more dangerous. ‘Sex is dirty’ has largely yielded to ‘sex is (always) about domination’; promiscuity is permissible, provided that endless measures are taken to ensure that nobody is degraded, objectified, exploited, etc.⁹ Still more dangerous, however, are those who proclaim that humour, play and sex, because they serve a high purpose, are to be pursued with grim determination. It’s a tough job, but someone – everyone – has to do it. Onward Christian soldiers, pursue your royal tasks, clothed in the dignified robes of duty.

Missing the point of God’s joke, failing to see the ardour (of which sexual ardour is a shadow) with which God gave the gifts, refusal to play along in God’s game: all this is most sad, but not gravely sinful. Indeed, humour, play and sex will in concrete human life have virtues and vices as companions, but they are not and do not create by themselves virtues or vices. Purely in themselves they inhabit the area from which God’s moral gaze has been averted¹⁰. Precisely for that reason they are *and have to be* ‘non-dignified’. The attempt to infuse them – against their natural inclination, as it were – with dignity is at best risky. Dignified laughter is seldom without a note of contempt and dignified play and sex, if not grotesque, usually means “preserving the dignity of the one at the expense of that of the other”.

If, nevertheless, the constellation of indignity is to be considered *needful*, it is precisely because it releases us from dignity and the moral. It allows us to become less foolish by making fools of ourselves: “For if a man really cannot make a fool of himself, we may be quite certain that the effort is superfluous” (Chesterton 2009a:loc 19310-2). It provides us with temporary respite from tasks that we assuredly have but are equally assuredly not capable of fulfilling, thereby preventing us from casting ourselves as tragic heroes or villains. Since we are all relatively unversed in the joy of Christian love and since our ‘works of love’ on this earth necessarily involve sacrifice, it brings us as close to pure joy as we are likely to get here. It allows us to read the obverse side of the coin that Eliphaz showed to Job. The distance between Creator and creature can be the index of perpetual and painful moral inferiority; it can also call us to the pleasures of childish cavorting. Finally, it involves in all its aspects *release*, reminding us that “the ethical category is self-destructive”,¹¹ that morality abolishes itself in the attainment of its goal. And of course it goes far beyond than that.¹²

⁹ This is unfortunately not a joke. On domination as keynote in all human relationships, see Sartre (1956:361-412), and on the difficulties regarding ‘consenting adults’, see O’Neill (1989:105-125. Her own Kantian view is not the one I object to).

¹⁰ Thus Barth (1960) says regarding human sexuality: “There is no need of justification. To be the creature of God is self-justification.” “Play lies outside the antithesis ... of good and evil” (Huizenga 1955:6). A joke is obviously not true, but it is fussily moralistic to call it a lie (particularly if this is done approvingly).

¹¹ I have this from CS Lewis (1954:187), but no doubt the phrase is older.

¹² “It might reasonably be maintained that the true object of all human life is play. Earth is a task garden; heaven is a playground” (Chesterton 2009b:loc 3106f). Lewis too says, “Joy is the serious business of heaven”, having duly noted that our way on earth is “always, in some degree, a *via crucis*” (1966:94f). Berger (1997:215) has the same thing in mind when he speaks of the comic as proleptic.

A Culture of Human Dignity and the Cult of Human Dignity

Nietzsche (as Zarathustra) called ‘the spirit of gravity’ his ‘devil’ (1980d:321, 380; 1980e:423).¹³ If this is not irony, he missed his own point, for arguably *gravitas* was his besetting sin. His scorn for human rights and human dignity¹⁴ did not prevent him from taking himself altogether too seriously. The despised middle-class ethics could have taught him to have more tolerance for the failings of others and less for his own. Yet he rightly saw that middle-class ethics seldom produces any culture, though it spawns many temporary cults.

Few things can be more desirable than a culture of human dignity in which people treat one another – particularly those outside their circle – with respect, *because ‘it goes without saying’*. That this includes, for instance, respecting the rights of people to ‘decent work’, a fair share in national wealth and a voice in matters that affect them also goes without saying. Such a culture would produce truly royal outbursts of rage at the systematic degradation of any people and sustained practical efforts to prevent or alleviate loss of dignity. In such a culture the term ‘human dignity’ would be virtually confined to academic debates, for infringements, no matter how frequent, would be treated as instances of unacceptable behaviour bearing a variety of names. Moreover, people would remain free to accept the gift of indignity.

A cult of human dignity, on the other hand, would all too closely resemble other cults. That is, it would benefit mainly its priesthood, multiply solemn rituals, invest heavily in elaborating and justifying its ‘theology’, jockey for public recognition and paste banners everywhere. It would have its witch hunts and schisms, its deadly sins and its special pleas (since cults remain subject to political supervision). Were such a cult to achieve any success, which is mercifully unlikely, it would amount to moral paternalism in the name of human dignity. Humour, play and sex are likely to be regarded with a jaundiced eye – the arguments are eminently foreseeable. Those who face constant assaults on their dignity find it hard to surrender freely to indignity; if dignity becomes the measure of all things, this condition is simply imposed on all people.

“Of all tyrannies a tyranny sincerely exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies” (Lewis 1970:292). Moral totalitarianism is vastly more plausible than other forms of totalitarianism: whereas, say, ‘racial identity’ falls foul of ethnic mixing, moral judgements can manifestly be applied to all human actions. Robber barons, as Lewis points out, may leave some aspects of your life undisturbed; moral busybodies will not. Why, Job’s friends even begrudged him the wish to die. My plea is similar to his: Avert your moral gaze sometimes; allow me a little indignity. And, if it pleases your majesties, allow me to take the Mickey out of my colleagues now and then, to fool around when I should be solemn, even to cast an admiring look at a shapely leg. Otherwise my vote in the next election might go to middle class ethics.

The Zeroth Stipulation of the Decalogue

In a recent article Dirk Smit (2009) discusses the relationship between law and morality with his customary erudition and breadth of vision, taking as his starting point Adam

¹³ Chesterton (2008:205) also connected the devil with gravity: “Satan fell by the force of gravity”. But he also says: “Angels can fly because they take *themselves* lightly” (2008:204, my emphasis). It is scarcely surprising that what he finds ‘brave and proud’ in Nietzsche is “his mutiny against the emptiness and timidity of our time” (2008:63), not his attempts at levity (2008:60).

¹⁴ See, for instance, 1980a: 238, 255; 1980b: 57; 1980c: 297ff; 1980d: 372ff; 1980e: 212ff, 271ff.

Small's poem *What about de lô?* Here I may be asked this same question: What about the Decalogue? On which of the 'ten words' have I commented? Before the three numbered laws of thermodynamics is sometimes placed the 'zeroth law', which is "considered more fundamental than the other laws because they assume it" (Daintith 1990:199). So too the ten numbered commandments of the Decalogue are preceded by a stipulation, not a commandment, that is more basic than they are. "I am Yahweh your God, who led you out of Egypt, out of the place of bondage." Both Yahweh and Yahweh's saving acts are prior to all laws. And Yahweh does not embody a universal moral principle, whatever Job's friends may have thought.

God lays claim to us *through* the law, not *for* the law. Though the claim is total, the law is at most a limited totality. When the law is formulated *in any way* it is, as all positive laws are, imperfect. Human dignity *is* an ethical concern, yet it precedes the law, being rooted in God's acts of creation and salvation. Kantian ethics, with its emphasis on human dignity, is superior to "middle-class ethics with a theological veneer", because it retains the sense of ultimacy that Bonhoeffer (1963:234) saw in ethics. Christian turn decisively from Kantian ethics only when they recognize that God's loving gaze both precedes and outlasts God's moral gaze. Human indignity is the gift of this gracious love – with no moral strings attached. It offers some temporary release now and points the way towards our ultimate dependence on 'being released' instead of 'attaining' or 'possessing'¹⁵.

At the close of his article, Smit (2009:349) notes that the tendency in the Reformed tradition has been to "view questions of law and justice from the perspective of salvation", not that of creation (hence the scepticism about natural law). Unfortunately, Reformed theology has also tended to view salvation *solely* from the perspective of law and justice. Once the metaphor in 'forensic justification' is forgotten, the scene is set for idolatry (cf. McFague 1982:14ff). Puritans, no longer seeing the Father (or Mother)¹⁶ behind the judicial robes, turn – by psychological rather than logical progression – to legalistic excesses. Modernists, taking the judge to be nothing but the judicial office that enforces laws and contracts (covenants!), find no need for a divine judge. We can appoint our own officials to enforce our own social contract, substituting democratic approval for divine sanction. Perhaps the dangers we now discern in middle-class ethics, contract theories of society and excessive reliance on 'policy reform' were latent in the Reformed tradition's one-sided emphasis on forensic models¹⁷ and its infatuation with 'federal theology'. Some Eliphaz or Job should have stirred the word 'creation' into the mix.

Taking a step back from Job, we find the covenant theology of Deuteronomy and the retribution model of the deuteronomists. They still deserve a hearing, as does Job's reply to the latter. So does the story of creation, alongside the story of salvation, and the 'zeroth

¹⁵ Hence my reservations when it is argued that play, humour and sex are useful *and therefore a matter of duty*. My only objection to Cilliers's otherwise admirable article (2009) is that 'should' appears in it at awkward places, creating the impression that he is speaking of yet another commission. Cf Huizenga (1955:7ff).

¹⁶ Fohrer (1963:182) rightly says that the Joban author turns against "eine Anschauung, die für Gott den Begriff der vergeltenden Gerechtigkeit und für den Menschen das Problem der Sünde in den Mittelpunkt rückt *und das Verhältnis zwischen Gott und Mensch durch sie bestimmt sein lässt*" (my emphasis).

¹⁷ For a defence of the traditional Protestant notions of forensic justification, declarative judgement and imputed righteousness, see Berkhouwer 1954, particularly 61-100. Berkhouwer rightly points out that the Reformation sought to safeguard the primacy and sufficiency of God's grace and to emphasize the crucial role of the cross. But although he notes that no formulation is ultimately adequate (1954:56, 200f), he underestimates the dangers of a one-sided terminology. "[Salvation] creates a personal relation in which this salvation is experienced and known in love and thankfulness" (1954:34). This too has to be said – and cannot be said in judicial language. For apt criticism and a richer terminology, which does more justice to the aspect of creation, see Moltmann (1977:passim).

stipulation' alongside the commandments of the Decalogue. Hearing all this and more besides, we won't necessarily respond more confidently, but perhaps with a richer, more rounded vocabulary, thereby doing more justice to the multi-faceted dialectics of our creaturely existence. We may be able to speak less shallowly of ethics and more clearly of the limits of ethics. We may be able to celebrate human dignity more adequately and yet cherish, as Luther did, our donkey's ears. Then we would not rob others of the gift of indignity either by forcing them to defend their dignity constantly and desperately or by thrusting an excess of dignity upon them.

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