
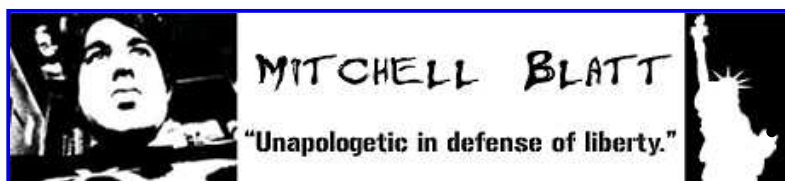


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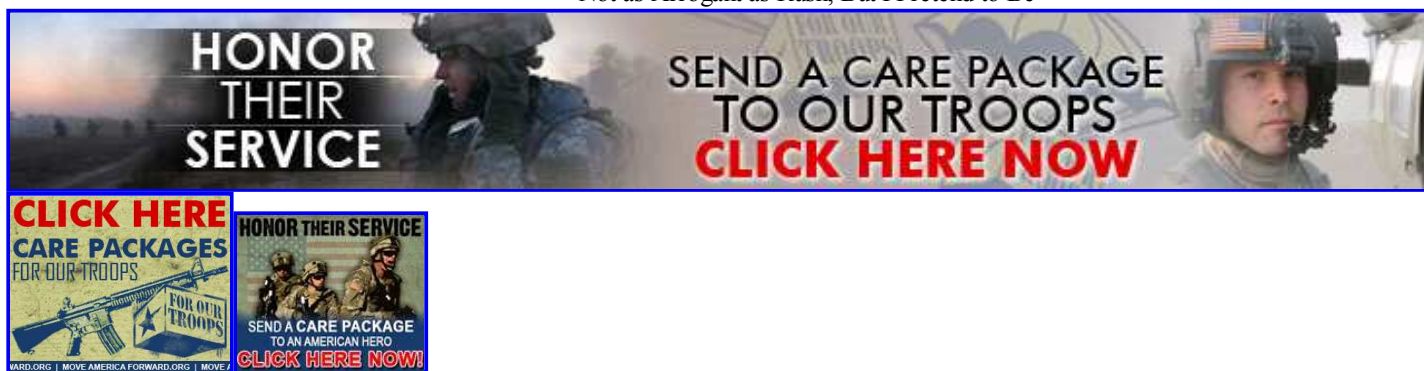


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Not as Arrogant as Rush, But I Pretend to Be



June 18th, 2009

[FOX's Judge Andrew Napolitano is A Judicial Activist](#)

Natural Law Has No Place in the Courtroom

0
tweets

Judge Andrew Napolitano, former New Jersey Superior Court Judge, now an analyst for Fox News, said that he thinks judges should “sidestep” constitutional law and rule with natural law in some cases, while speaking at the CATO Institute today, promoting his book *Dred Scott's Revenge*. He said that he did so himself in some cases while on the N.J. court. tweet

For example, he said that had he presided over Susan B. Anthony's trial over her voting in 1873, he would have ruled in favor of her right to vote based on natural law, even though it was prohibited by the Constitution.


That's an easy decision to make now in 2009 after women were given the right to vote in 1920 and 99% of Americans think they should have the right to vote, but what about contentious issues like abortion?

Napolitano said that *Roe v. Wade* was one of most poorly decided cases in history because it sanctioned the murder of innocent babies and was based on nothing in the Constitution. I would tend to agree that abortion wasn't addressed in the Constitution and that the decision was wrong in that aspect, but to say that disposing of a fetus is on the same level as murdering a human is crazy.

In my opinion.

See, that's the problem with having judges rule based on “natural law.” There is no definition of natural law, and people have different opinions on what constitutes natural law.

In the case of abortion, that's more of an argument over whether abortion is murder or not. Almost everyone will

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Yet, on topics such as whether healthcare is a human right or whether wealth should be redistributed for social justice, there are real debates.

Barack Obama, for example, thinks that healthcare is a human right and that the Supreme Court should step in and redistribute wealth for social justice reasons.

In 2001, Obama bemoaned the fact that the Supreme Court “never ventured into the issues of redistribution of wealth” and said it was a tragedy that they hadn’t brought about “redistributive change.”



Obama was the president of the Harvard Law Review, and those are his views on law. If he were a judge ruling based on what he thought natural law was, he could effectively violate what I think natural law is and take property from people through the judicial system, much as he is doing now through the executive branch.

Napolitano would disagree with his rulings and say that Obama wasn’t practicing natural law, but who is to say he isn’t? It all comes down to personal opinion.

What opinion constitutes natural law and what doesn’t? Is free speech natural law? The Chinese government doesn’t think so.

Is healthcare a God-given right? Obama thinks so.

Even if we go back to murder, is it morally wrong, according to natural law?

There are a few psychopaths would say it isn’t.

My point is that everyone has a different view of what “human rights” and “natural law” constitute, and if judges were to rule on their opinion of that, you’d have an activist court going against the will of the people. It is far better to have civil rights advance through the electorate voting for people who support womens’ suffrage for example, and having the Constitution amended in 1920, than to have an activist court make it law and violate the Constitution.

Because that same activist court might steal your wealth for purposes of redistribution.

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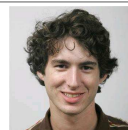
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the Indiana Daily Student, I started this blog as a means to express my opinion on politics and media.

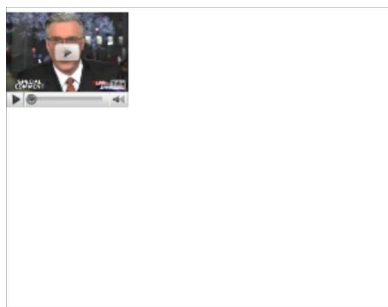


I am spending this summer in Washington as an intern with the National Journalism Center.



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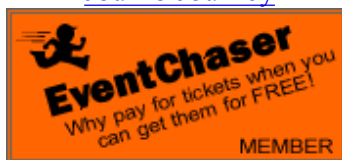
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