

MISGUIDED CHRISTIAN ATTEMPTS TO SERVE GOD USING THE FEAR OF MAN

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I. INTRODUCTION

This article grew out of the confirmation hearings of Attorney General John Ashcroft. As I listened to speaker after speaker question how then Senator Ashcroft, as a man of strongly-held religious belief, could serve as the nation's chief law enforcement officer, I reacted with outrage—this was religious bigotry, pure and simple. But as I continued to listen, I detected something beside bigotry in the voices of some of the speakers—something that sounded like genuine fear.¹ Of course “fear is a common symptom of ignorance and bigotry,” I told myself. Mulling these thoughts, I walked into our university library building where I experienced something like an epiphany—there, blazoned over the entrance to the library was our university motto, “Christian Leadership to Change the World.” I had seen this motto many times, but for the first time I thought of that motto from the perspective of “the world,” a world that sees no need for and has no desire of being “changed” by Christian leadership. A motto that had before seemed benignly inspirational now sounded almost threatening.

That experience prompted me to reexamine Scripture and come to the following conclusions. The Bible teaches that people should fear and seek to please God, and should not fear and seek to please other people. Therefore, from a biblical perspective, human law that tempts people to fear and seek to please other people is to be avoided, and I believe that

* My resume will provide some important insight into my perspective. Before receiving my J.D. from the University of Chicago Law School in 1988, I obtained a B.A. in 1985 from Bob Jones University. Now I am an Assistant Professor at Regent University School of Law. In other words, I am a member of the “religious right.” I wish to thank Anita Hughes, Joseph Creed, Samuel Bray, Deborah Hargreaves and Regent University for their assistance and support and my colleagues at Regent University School of Law for many helpful discussions, and especially Jeffrey Brauch, Lynne Kohm, Scott Pryor and Craig Stern for helpful comments, some highly critical, on earlier drafts.

¹ Professor David Smolin voiced the fear of the non-believer: “Are Christians attempting to resurrect Christendom? If Christendom were ever reestablished, would some sort of inquisition or crusade follow? For many Jews, Muslims, and secularized Americans, the Moral Majority and the Christian Coalition resurrect painful memories of persecution, intolerance, and wars of religion.” David M. Smolin, *A House Divided? Anabaptist and Lutheran Perspectives on the Sword*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT 382-83 (Michael W. McConnell et al. eds., 2001).

any attempt to promote public morality through human government does just that.

Christians have viewed human government in two² fundamentally different ways. All Christians share the hope and assurance as reflected in the Lord's Prayer that the Father's "Kingdom" would "come"—that His will would be "done on earth," as it is done in heaven.³ But there is a fundamental divide within Christianity between those who "hope that the world can and will be brought progressively under the reign of God, in large part through the involvement of Christians in all spheres of life, including politics"⁴ and those who believe that such a reign of God through human politics is impossible or unnecessary. The former see part of the mission of Christ's church as "grasping and using political and military power" to "serve the ends of God and justice, and that right and might can be joined in this world."⁵ The latter eschew political power believing that Jesus Christ will impose His own Kingdom and does not need and has not asked believers to create it through force.⁶

Christians since the time of Constantine, the very moment that Christians achieved any significant political influence in this world, have sought to influence culture through state coercion. As David Smolin put it, "Christendom embodied the hope that an entire civilization, including the sword, including government, including force and war, can be Christian, even though Christians worship a Lord who declined a political kingdom and went to die on the cross."⁷ This temptation to serve God employing the fear of man may stem from a misreading of biblical passages that describe human governors as God's "ministers" or "servants." Such passages can be read as mandates or warrants of authority from God to human government to "do good" in general—to punish evil, to praise good, in short, to further God's purposes on earth.

² Actually, Christian views on the subject have splintered in much more than two directions. In an exceptionally enlightening essay, Professor Robert F. Cochran, Jr. discusses H. Richard Niebuhr's five Christian traditions classified by their view of the relationship between the Christian and culture. See Robert F. Cochran, Jr., *Christian Traditions, Culture, and Law*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT, *supra* note 1, at 242. For present purposes, I believe that those various views can be grouped into two fundamental "camps"—those who seek to claim the culture for Jesus Christ, and those who seek to withstand the pressure of the culture until Jesus Christ comes. Adopting the terminology used by Professor Cochran in his essay, I would place "synthesists," "conversionists," and "culturalists" within the former camp, and "separatists" and "dualists" in the latter.

³ *Matthew* 6:9-13. This and all other references to the Bible are to the King James Version.

⁴ Smolin, *supra* note 1, at 381.

⁵ *Id.* at 381-82.

⁶ See generally Christian Perspectives on Legal Thought, *supra* note 1.

⁷ Smolin, *supra* note 1, at 371.

But I propose that such biblical passages exhorting Christians to submit to governors as God's ministers merely apply a broader biblical theme: believers are admonished to submit to human authority generally. Children should submit to parents, wives to husbands, slaves to masters, and all to the government. Followers of Christ and His apostles must submit to those in power because all power comes from God, who, in His providence, can and does use all things, even misguided human authority, to accomplish His divine purposes.

But the mere man who would use coercion to accomplish God's purposes in the lives of other men would usurp the role of God. God has never commanded or authorized believers to seize human government to accomplish His purposes. Man's power over man might be a tool for good in God's hands, but in fallible human hands, even Christian hands, human power naturally tends toward oppression. Only a perfect man could be completely trusted with authority over others, and the Christian believes that there has been only one perfect Man—the perfect King Jesus. Perhaps the two simple rules—"keep your promises" and "keep your hands to yourself"—are as close to "love thy neighbor as thyself" as the unregenerate man can safely compel his fellow man to go.

The purpose of this article is to show that true morality cannot be promoted through the human law. This article will first present a biblical understanding of the role of human authority in Part II, beginning with the Genesis accounts of the Creation and the fall of man and ending with the teachings of Jesus and His apostles. Next, in Part III, the article will describe the distinctively Christian teaching on the response to human authority as an instrument of God's providence. Then, in Part IV, the article will critique the conclusion improperly drawn from God's ultimate control of all human authority—that human governors are God's vicegerents. The article will further discuss in Part V some practical problems with attempting to import God's moral law into positive human law before concluding with advice to the Christian ruler.

II. A BIBLICAL VIEW OF HUMAN GOVERNMENT

A. *The Creation, the Fall, and Human Authority*

The above-described fundamental divide among believers begins "[i]n the beginning."⁸ Some have seen human government as a good thing—an outworking of "the divine directive to subdue the earth."⁹ This view is based on the understanding that, when God told the first people

⁸ *Genesis* 1:1.

⁹ Scott Pryor, Supplemental Materials for Contracts (2002-2003) (unpublished manuscript, on file with author).

to “have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth,”¹⁰ this “dominion mandate” included the command that man exercise authority over other men. I will here take a different view – that all human authority over other humans, as we understand such authority today, including civil government, is an evil made necessary by the fall of man from sinless perfection.

While the creation account gives man authority to rule the earth, it does not suggest the desirability of man’s authority over other men. At creation, God made man vicegerent over all *the rest* of creation. This dominion mandate did not include authority over other men because other men did not yet exist, and it was not clear until the fall that the coercive power of human government would be needed.

Perhaps one mere hint at human authority over other humans can be discerned in the creation account is in the account of the creation of woman. God said, “It is not good that the man should be alone; I will make him an help meet for him.”¹¹ The Apostle Paul alluded to this account in his first epistle to the Church at Corinth in a passage discussing whether men and women ought to pray with their heads covered. One reason given by Paul for why the head covering, symbolic of submission, is to be worn by women but not by men is that “[n]either was the man created for the woman; but the woman for the man.”¹² Particularly when read together, Genesis 2-3 and I Corinthians 11 can be read to suggest a certain natural ordering within the ideal family.¹³ But this is a far cry from an establishment of civil human authority.

And even if the first family experienced some sort of familial “authority,” Scripture clearly states that an authority structure different from this ideal came into being with sin. As part of Eve’s curse for her role in the fall, God decreed that her “desire” would be to “[her] husband, and he shall rule over [her].”¹⁴ This, then, is the first biblical mention of human ruling over other humans, not part of the mandate to rule the rest of creation—“the fish of the sea, . . . the fowl of the air, . . . cattle, . . . and over every creeping thing that creepeth upon the earth”— but part of the curse, after the fall.¹⁵

¹⁰ *Genesis* 1:28.

¹¹ *Genesis* 2:18.

¹² *I Corinthians* 11:9.

¹³ *See also Ephesians* 5:21-6:9.

¹⁴ *Genesis* 3:16.

¹⁵ This view also rejects the idea that civil government is a manifestation of man’s God-given social nature. Man’s social nature perhaps implies contract as part of the law of nature, but not necessarily the coercion inherent in human government. The law of contract is the law of voluntary association. But a general civil government is for the restraint of evil and forced order through human authority made necessary by the fall. I

Before the fall, there was no need for authority and no need for government. “Neither bar of justice nor police, nor army, nor navy, is conceivable in a world without sin”¹⁶ Adam in his sinless state lived in simple obedience to God. This is the ideal state of man – answerable to God alone, and God’s only “rule” for man was that man must not eat of the tree of the knowledge of good and evil. Man had and needed no detailed knowledge of good and evil—thou shalt not kill, steal or covet—no need to discern between “mine” and “thine.”¹⁷ To know good and evil would mean death.¹⁸ Thus, man’s only law was that he must not choose to live under law by receiving the knowledge of good and evil. But Adam (and we with him) rejected man’s perfect created state of simple obedience, choosing instead to know good and evil and therefore to be subject to law and authority. Adam ate of the tree,¹⁹ and true to God’s promise, in the moment that Adam chose law, he died—his eyes were opened, and Adam knew that he was naked.²⁰ Because the knowledge of good and evil came through disobedience, that knowledge could only condemn Adam and mankind.

What implications does the view of human government as a necessary evil instead of a positive good have for the role of government? If man’s authority over man is inherently good, part of man’s pre-Fall nature, then an expansive role for that authority may be warranted. If, on the other hand, coercive human authority is instead a necessary evil, then the proper goals of that authority are likely to be much more limited. This more limited role for the coercive power of the state is “better,” from a Christian perspective, because it is more consistent with the Christian doctrine of human depravity. The same fallen nature that makes human authority necessary makes human authority suspect. “Man is a sinner and is, therefore, not to be trusted with unlimited authority and power.”²¹ Therefore, while sin may necessitate “that a compulsory force, from without, assert itself to make human society a

acknowledge that the view that I express here may be distinctively Protestant. As Professor Angela Carmella recently explained, “[u]nlike much Protestant thought, which attributes the necessity of government to our sinfulness and views its main role to be the coercive restraint of evil, Catholic doctrine attributes its necessity to our sociality and views its role to be the affirmative promotion and coordination of the common good.” See Angela C. Carmella, *A Catholic View of Law and Justice*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT, *supra* note 1, at 255, 266.

¹⁶ ABRAHAM KUYPER, LECTURES ON CALVINISM 80 (2d prtg. 1994).

¹⁷ See generally Peter Judson Richards, “The Law Written in Their Hearts”?: Rutherford and Locke on Nature, Government and Resistance, 18 J.L. & RELIGION 151, 159 (2002).

¹⁸ Genesis 2:17.

¹⁹ Genesis 3:6.

²⁰ Genesis 3:7.

²¹ HERBERT W. TITUS, GOD, MAN, AND LAW: THE BIBLICAL PRINCIPLES 27 (1994).

possibility,”²² “[t]his right is possessed by God, and by Him alone.”²³ “No man has the right to rule over another man”²⁴ All merely human government necessarily will be flawed. Jesus is the only governor who will succeed perfectly and completely. Therefore, “we must ever watch against the danger which lurks, for our personal liberty, in the power of the State.”²⁵

B. The Old Testament Example of Israel

Mere human authority over other men is never portrayed in Scripture as a positive good, but at best as a necessary evil. The only biblical examples of using political power to influence culture come from the theocracy of Israel, but Israel was *sui generis* and cannot serve as a model for us. Moreover, even when Israel demanded a civil authority, God warned against it expressly because the authority would tend toward evil and oppression, but once established, must be obeyed.²⁶ Nevertheless the Israelites insisted, and God gave them a king, but Israel’s kings generally, and specifically the first king, Saul, turned out to be a disaster even though they were permitted and even anointed by God. King David himself failed in the end. All of these examples of human authority are negative types of the true human authority—the King Jesus. Only Jesus can rule and reign in righteousness. Only Jesus can be trusted completely.

Therefore, given a choice, believers should follow the example of Israel’s King David and shun the human sword as the instrument of God’s wrath. When David confessed to the Lord David’s sin in numbering the people, God offered David a choice of three punishments: (1) three years of famine; (2) three months at the sword of Israel’s enemies; or (3) three days at the sword of the Lord.²⁷ God had repeatedly used similar circumstances in the past as His “servant” to accomplish His vengeance. David chose the sword of the Lord: “let us fall now into the hand of the LORD; for his mercies are great: and let me not fall into the hand of man.”²⁸ David’s wise choice was rewarded when God mercifully cut short His pestilence.²⁹ God does not always give us a choice—sometimes God chooses to use the sword of man to accomplish His vengeance without giving us an opportunity to participate in that

²² KUYPER, *supra* note 14, at 82.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 81.

²⁶ I *Samuel* 8:11-17.

²⁷ I *Chronicles* 21:12; II *Samuel* 24:13.

²⁸ II *Samuel* 24:14; I *Chronicles* 21:13.

²⁹ I *Chronicles* 21:15; II *Samuel* 24:16.

choice. But when given a choice, believers should, like David, avoid the power of man whenever possible.

C. *New Testament Teaching Concerning Human Government*

The teaching of Jesus and the apostles concerning the relationship of the believer to culture was counter-intuitive: the Christian “wins” through submission, not through force. John MacArthur, the well-known contemporary pastor, suggests that the Christian Church should follow the example of its Savior and Head:

Many of [Jesus'] followers, including the Twelve, to varying degrees expected Him to free them from Rome's oppressive rule. But our Lord did not come as a political deliverer or social reformer. He never issued a call for such changes, even by peaceful means. Unlike many late twentieth-century evangelicals, Jesus did not rally supporters to some grandiose attempt to “capture the culture” for biblical morality or greater political and religious freedoms.³⁰

Thus, Jesus revolutionized society, but shunned political power.

1. Jesus' Teaching Concerning His Kingdom

The earthly ministry of Jesus was suffused with the “kingdom” motif. When the angel Gabriel announced to Mary that she would have a son, Gabriel proclaimed that Mary's son would “reign over the house of Jacob for ever; and of his kingdom there shall be no end.”³¹ Jesus' forerunner, John the Baptist, prepared the way for Jesus' ministry by preaching “Repent ye: for the kingdom of heaven is at hand.”³² Before Jesus began His earthly ministry, one of the temptations by the devil that Jesus resisted was the temptation to rule over the kingdoms of the world.³³ Thereafter, Jesus started His public ministry by picking up the theme of John the Baptist, “Repent: for the kingdom of heaven is at hand.”³⁴

Jesus repeatedly taught that this kingdom that He was proclaiming was a different kind of kingdom. This kingdom belongs to the poor,³⁵ to the persecuted,³⁶ and to the childlike.³⁷ Jesus repeatedly described this kingdom with parables.³⁸ He explained that His earthly mission would be accomplished in this non-conventional way—through submission,

³⁰ JOHN MACARTHUR, WHY GOVERNMENT CAN'T SAVE YOU 10-11 (2000).

³¹ *Luke* 1:33.

³² *Matthew* 3:2.

³³ *Matthew* 4:8-10; *Luke* 4:5-6.

³⁴ *Matthew* 4:17; *Mark* 1:15.

³⁵ *Matthew* 5:3; *Luke* 6:20.

³⁶ *Matthew* 5:10.

³⁷ *Matthew* 19:14; *Mark* 10:14-15; *Luke* 18:16-17.

³⁸ See *Matthew* 13 (various kingdom parables).

suffering and death.³⁹ But this plan did not line up with Peter's expectations, so Peter rebelled, and the Lord severely rebuked Peter: "Get thee behind me, Satan: thou art an offence unto me: for thou savourest not the things that be of God, but those that be of men."⁴⁰ Peter needed to shed man's way of thinking and accept by faith God's way, which Jesus spelled out upon His rebuke of Peter. Jesus explained that those who would come after Him must take up their crosses and follow Him, not clinging to earthly lives, for the one who loses life will save it.⁴¹

But His disciples still did not seem to understand—they always were looking for a traditional earthly kingdom. Therefore, James and John, through their mother, made the audacious request to sit on Jesus' right and left in His kingdom.⁴² When the other disciples became indignant over the request of James and John,⁴³ Jesus patiently corrected them all again:

Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you: but whosoever will be great among you, let him be your servant: Even as the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many.⁴⁴

And as Jesus drew near Jerusalem for the last time, He gave yet another parable because He perceived that His disciples "thought that the kingdom of God should immediately appear."⁴⁵ Yet repetition was necessary to aid Peter's learning of the nature of Jesus' "kingdom." In the face of Jesus' prophecy that all His disciples would fall away,⁴⁶ Peter boasted that he would never fall away—he would die first.⁴⁷ And Peter apparently meant it. Yet Jesus pointed out that Peter would deny Him three times before the cock crowed twice.⁴⁸ Not long after his proud boast, Peter provided the Savior an opportunity to drive home the message that service through aggression was not what the Jesus needed or wanted. When Judas betrayed Jesus with a kiss, Peter swung into action, not through obedience and submission, but by taking matters into his own hands—by using force to hasten Peter's vision of Jesus'

³⁹ *Matthew* 16:21.

⁴⁰ *Matthew* 16:23.

⁴¹ *Matthew* 16:24-25.

⁴² *Matthew* 20:20-21.

⁴³ *Matthew* 20:24.

⁴⁴ *Matthew* 20:25-28.

⁴⁵ *Luke* 19:11.

⁴⁶ *Mark* 14:27.

⁴⁷ *Mark* 14:29-31.

⁴⁸ *Mark* 14:30.

mission. Peter cut off the ear of the high priest's slave⁴⁹ thus earning another rebuke from Jesus—"all those who take up the sword shall perish by the sword."⁵⁰ Do not try to use force, Peter. Like Me, you will always be at the receiving end of force.

Peter's mistake was a common one—trying to accomplish the Lord's purposes Peter's way. Peter did not understand, yet, that the Lord did not need this, that He could call legions of angels if force were required.⁵¹ But Jesus had chosen not to use His angels just then, even though He knew in advance that Judas would betray Him.⁵² Jesus chose instead to permit betrayal by Judas (God's unwitting servant) to deliver Jesus as a sacrifice. Judas' betrayal was not right, was not fair, was horribly wrong, but was the unpredictable way God had chosen in His providence. Peter could not possibly have foreseen how God would accomplish His purpose, and this was the point. Peter's proud effort to use force only got in the way.

While the other disciples fled, Peter followed at a distance.⁵³ Although following the Savior at this point would appear dangerous, to be sure, Peter already had proven that he was willing to die. He still wanted to be near the Master, perhaps still looking for an opportunity to serve the Lord. Soon Peter was identified as a follower of Jesus.⁵⁴ We know that Peter then denied the Lord, but why? Was it because he was afraid? That seems unlikely in the light of his earlier willingness to fight to the death. There must be another explanation, and perhaps it is this. If Peter were identified as a follower of Jesus and arrested, the movement would fail. The other disciples all had fled. Peter must remain free himself to help the Savior at the first opportunity. So he twice chose to save himself in the face of accusation, trying to deflect attention with a quick denial. Finally, it was necessary to curse and swear, the cock crowed, Peter remembered, and finally learned to trust and obey the Lord instead of his own efforts. The Savior had warned Peter to "watch and pray so that [he would] enter not into temptation,"⁵⁵ but Peter never imagined that the temptation to betrayal would come, not through cowardly abandonment, but rather through proud disobedience. And we believers can be so like Peter. We are willing to do anything for the Lord, as long as it fits our notions of service—glorious "leadership to change the world" for Christ.

⁴⁹ *Mark* 14:47.

⁵⁰ *Matthew* 26:52.

⁵¹ *Matthew* 26:53.

⁵² *See Matthew* 26:20-25.

⁵³ *Matthew* 26:56-58.

⁵⁴ *Matthew* 26:69.

⁵⁵ *Matthew* 26:41.

But the prevailing conception of “leadership” is not God’s model. Up to the very moment of the ascension, Christ’s disciples continued to look for the immediate and traditional establishment of an earthly kingdom.⁵⁶ The Lord, in response, again patiently corrected their impulse to stick their noses into God’s business: “It is not for you to know times or seasons which the Father hath put in His own power.”⁵⁷ Their job was to be “witnesses,”⁵⁸ not to be worrying about setting up an earthly kingdom. Jesus had never given them a strategy, no plan of attack for conquering the world for Him—just instructions to share throughout the world what they had seen and heard. He never told His disciples, “I send you forth as leaders to change the world.” Rather, He said, “I send you forth as sheep in the midst of wolves.”⁵⁹ The world would not embrace believers as leaders. Rather, the believers would be “hated by all.”⁶⁰ Sheep do not lead wolves.

Jesus was not sending His disciples to conquer—He sent them to the slaughter. He warned His disciples that their fellow men would send them to courts, and would scourge them.⁶¹ Such suffering is God’s model for winning the world. The believers were not to expect to become governors and kings. Rather, they would be hauled before governors and kings, and their conduct there would be a “testimony”⁶² to their Savior. The world must reject the Christian as it rejected the Christian’s Master.⁶³

But the believer need not fear human rulers. They have power over only the body, and the providence of the believer’s good God is sure—a sparrow will not fall to the ground without the permission of the heavenly Father.⁶⁴ He knows the number of the hairs on our heads.⁶⁵ Therefore, the believer need not fear,⁶⁶ not because He will protect our lives, but because if we lose our lives for His sake, we will find them.⁶⁷ Of course, the disciples did, in fact, upset the world for Christ,⁶⁸ not through force, not through politics, but rather through simple obedience to the Great Commission to spread the gospel. God used their obedience

⁵⁶ *Acts* 1:6.

⁵⁷ *Acts* 1:7.

⁵⁸ *Acts* 1:8.

⁵⁹ *Matthew* 10:16.

⁶⁰ *Matthew* 10:22.

⁶¹ *Matthew* 10:17.

⁶² *Matthew* 10:18.

⁶³ *Matthew* 10:25.

⁶⁴ *Matthew* 10:29.

⁶⁵ *Matthew* 10:30.

⁶⁶ *Matthew* 10:31.

⁶⁷ *Matthew* 10:39.

⁶⁸ *Acts* 17:6.

to build His “spiritual house” of “lively stones.”⁶⁹ Thus, even if believers were charged by God to build a government for God on earth, the coercive power of the state would not be the proper tool. The true Kingdom of God can be “ushered in” only through obedience, only through the gospel.

2. The Apostles on the Believer’s Relationship to Human Governors

We know that Peter eventually learned the lesson taught him by the Savior because in Peter’s first epistle,⁷⁰ he warned believers that they would not be at home in this world but would rather be “strangers and pilgrims” here.⁷¹ Therefore, believers must be careful to have their “conversation honest” among unbelievers so that even if anyone were to “speak against” the believers “as evildoers,” the world would see the believers’ “good works,” and therefore believe and “glorify God.”⁷² It is for this reason that the follower of Christ and His apostles accepts “every ordinance of man,” not because governmental authority is inherently right, but for the Lord’s sake.⁷³ The believer’s gentle submission will assure that any unfounded accusations against the believer will appear foolish.⁷⁴

In the second chapter of his first epistle to Timothy, the Apostle Paul⁷⁵ likewise directed his protégé, Timothy, to pray for “kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty.”⁷⁶ Paul taught the same things to wives and to slaves—submit, and thereby, perhaps, you will win even the evil husband or master to Christ. Paul likewise directed Christian women to make themselves attractive through good works⁷⁷ and to “learn in silence with all subjection.”⁷⁸ Peter also taught wives to “be in subjection” to their husbands because God can use the quiet submission of the Christian wife to win the unbelieving husband.⁷⁹ Thus, the apostles taught that Christians should, in every cultural role in which they find themselves, live exemplary lives of quiet submission, thereby providing

⁶⁹ I *Peter* 2:5.

⁷⁰ While acknowledging that some dispute Peter’s authorship of the book of I Peter, I accept the orthodox Christian position that the book’s own claim to have been authored by Peter is genuine.

⁷¹ I *Peter* 2:11.

⁷² I *Peter* 2:12.

⁷³ I *Peter* 2:13.

⁷⁴ I *Peter* 2:15.

⁷⁵ I again acknowledge that some modern Christians dispute the long-accepted position that I Timothy’s claim to Pauline authorship is genuine.

⁷⁶ I *Timothy* 2:1-2.

⁷⁷ I *Timothy* 2:10.

⁷⁸ I *Timothy* 2:11.

⁷⁹ I *Peter* 3:1.

an attractive testimony that God can use to point the way to Christ, the ultimate example of submission.⁸⁰

III. THE ERRONEOUS VIEW OF TEMPORAL RULERS AS GOD'S VICEGERENTS

Only so long as Christians were a persecuted minority was the teaching of Jesus and the apostles concerning Christian submission remembered. The earliest church fathers echoed the teachings of Jesus and the apostles. For example, Justin Martyr reveled in the Christian's identity as a mere sojourner and foreigner in human kingdoms.⁸¹ He argued that God established Christianity, not as men might suppose—

⁸⁰ This proper response is independent of the merits of the particular human authority that happens to be in power at the moment. The response of the anointed King David to the kingship of Saul provides a ready example. Saul had been the duly anointed King of Israel "selected" by God and acclaimed by the people. I *Samuel* 10. But Saul had not reigned long before God rejected Saul as king because Saul twice disobeyed God—once with an improper sacrifice, see I *Samuel* 13:11-14, and again in the conduct of the war against the Amalekites. I *Samuel* 15:16-35. Interestingly, in both instances of disobedience, Saul arguably acted in "service" to God. Saul's kingship stands as a testament to the folly of trying to do God's business in man's way. See Craig A. Stern, *Things Not Nice: An Essay on Civil Government*, 8 REGENT U. L. REV. 1 (1997). Therefore, God had Samuel anoint David as king instead of Saul. I *Samuel* 16:1-13. Saul remained in power for some time after David was anointed, and grew to resent David and even tried to kill him. I *Samuel* 18:6-16. As Saul's persecution of David intensified, David was forced to live on the run. I *Samuel* 19:1-20; 20:1; 21:10; 23:13-14.

Thus, King Saul was rejected as king by God (and by the very human authority that anointed him king in the first place) and was going about doing evil including seeking to kill his duly anointed successor. Against this backdrop, we find David hiding in a cave as Saul enters the cave to relieve himself. I *Samuel* 24:3. David had Saul at his mercy.

Under these circumstances, David did not lift his sword against Saul, David's persecutor. David did "cut off a corner of Saul's robe," and "David's heart troubled him because he had cut Saul's robe." I *Samuel* 24:4-5. David's words at this juncture are instructive: "The Lord forbid that I should do this thing unto my master, the Lord's anointed, to stretch forth mine hand against him, seeing he is the anointed of the Lord." I *Samuel* 24:6. Noteworthy also is Saul's response when he learned of David's show of loyalty: "And Saul lifted up his voice, and wept. And he said to David, Thou art more righteous than I: for thou hast rewarded me good, whereas I have rewarded thee evil And now, behold, I know well that thou shalt surely be king And Saul went home . . ." I *Samuel* 24:16-22.

This anecdote holds a lesson concerning the believer's relationship to human authority. Just as Saul was the anointed of the Lord worthy of loyalty, so all human authorities, good and bad, whether doing evil or good, are in the Lord's hand and are God's anointed ministers. The believer must not lift his hand against God's civil "ministers" but rather, through loyalty, obedience and submission, exhibit a life that will allow the believer to live peaceably in this world, trusting God to use the testimony of the believer's life of faith and quiet submission to draw the world to God, just as David's submission to Saul caused Saul to repent, at least temporarily.

⁸¹ See Justin Martyr, *Letter to Diognetus*, (Kirsopp Lake trans., 1913) reprinted in FROM IRENAEUS TO GROTIUS: A SOURCEBOOK IN CHRISTIAN POLITICAL THOUGHT 12, 13 (Oliver O'Donovan and Joan Lockwood O'Donovan eds., 1999).

not “by sending some minister to men, or an angel or ruler, or one of those who direct earthly things . . . ”⁸²—but by sending the Creator Himself, but again not in “sovereignty (*tyrannis*) and fear and terror.”⁸³ When God sent His Son to the world, He sent Him to win the world, not to conquer it: “in gentleness and meekness, as a king sending a son he sent him as a king, he sent him as God, he sent him as man to men; he was saving and persuading when he sent him, not compelling, for compulsion is not an attribute of God.”⁸⁴ God does not get what he wants through fear. Justin Martyr acknowledged the limits of human laws, proclaiming that they could never restrain as Jesus, the *Logos*, can; he thus denied the charge that Christians seek a human kingdom.⁸⁵

But with the accession of Constantine, the attitude of the church fathers changed, and that of Jesus and the apostles was soon forgotten. The human ruler now could be seen, not as God’s mere pawn, as taught by the Apostle Paul,⁸⁶ but rather as “our divinely favoured emperor, receiving as it were a transcript of the divine sovereignty, directs in imitation of God himself the administration of this world’s affairs.”⁸⁷ After Constantine, the emperor ruled for God, not merely by God’s leave; the absolute power of the monarch was a thing to be praised as “far transcend[ing] every other constitution and form of government . . . ”⁸⁸ The cross, to the apostles a sign of submission and death to this world,⁸⁹ became under Constantine a symbol of human conquest.⁹⁰ After Constantine, believers no longer needed to break bread from house to

⁸² *Id.* at 13.

⁸³ *Id.* at 14.

⁸⁴ *Id.*

⁸⁵ See Justin Martyr, *First Apology*, in ANCIENT CHRISTIAN WRITERS (L.W. Bernard trans., 1997), reprinted in FROM IRANAEUS TO GROTIUS: A SOURCEBOOK IN CHRISTIAN POLITICAL THOUGHT, *supra* note 79, at 9, 11.

⁸⁶ *Romans* 13:4.

⁸⁷ Eusebius of Caesarea, *From a Speech for the Thirtieth Anniversary of Constantine’s Accession*, in FROM IRENAEUS TO GROTIUS: A SOURCEBOOK IN CHRISTIAN POLITICAL THOUGHT, *supra* note 79, at 60.

⁸⁸ *Id.*

⁸⁹ See *Galatians* 6:14.

⁹⁰ See Eusebius, *supra* note 85 at 63-64.

[O]ur emperor, secure in the armour of godliness, opposed to the numbers of the enemy the salutary and life-giving sign [i.e., the cross] as at the same time a terror to the foe and a protection against every harm, and returned victorious at once over the enemy and the demons whom they served. And then with thanksgiving and praise, the tokens of a grateful spirit, to the author of his victory, he proclaimed this triumphant sign by monuments as well as words to all mankind, erecting it as a mighty trophy against every enemy in the midst of the imperial city and expressly enjoining on all to acknowledge this imperishable symbol of salvation as the safeguard of the power of Rome and of the empire of the world.

Id.

house as under the apostles,⁹¹ for Constantine “command[ed] all to unite in constructing the sacred houses of prayer.”⁹² Thus, the Christianity of Constantine was fundamentally different from the Christianity that Jesus launched and that the apostles fostered.

But the first generation of church fathers to be born under a “Christian” government immediately felt the pinch of that government. In the face of the government’s invitation to leave with his followers over a difference with the ruling authorities in doctrine, Ambrose of Milan declined, expressing a readiness “to bear the usual fate of a bishop, if [the emperor] follows the usual practice of kings.”⁹³ Ambrose was forced by a “Christian” emperor, as the apostles had been by pagans, “to defer, but not to yield, to emperors, to expose [himself] freely to their punishments”⁹⁴

Christians never seem to learn from receiving religious persecution to avoid giving it. While Augustine taught that the dominion of one rational being over another is not the ideal,⁹⁵ he nevertheless was perhaps the leading church father to manifest an acceptance of the idea of Christian coercion when he reluctantly defended state persecution and perhaps the extension of worship by a Christian ruler. But as Charles Colson has lamented:

the excesses of the politicized church created horrors Augustine could not have imagined. The church turned to military conquest through a series of “holy wars” that became more racial than religious. Jews, Muslims, and dark-skinned Christians were massacred alike. . . .

In the twelfth and thirteenth centuries a system was organized for adjudicating heresy. Like many well-intentioned reforms, however, the Inquisition simply produced a new set of horrors. Unrepentant heretics were cast out by a church tribunal, which regularly used torture, and were executed by the state.⁹⁶

The Christian impulse toward coercion survived the Protestant Reformation, for Calvin also advocated a very intrusive role for human magistrates, including, among other things, a role in protecting God’s honor—“it is fitting that they should labor to protect and assert the honor of him whose representatives they are, and by whose grace they

⁹¹ See Acts 2:46.

⁹² Eusebius, *supra* note 85 at 64.

⁹³ See Ambrose of Milan, *Sermon against Auxentius*, in FROM IRENAEUS TO GROTIUS: A SOURCEBOOK IN CHRISTIAN POLITICAL THOUGHT, *supra*, note 79, at 70.

⁹⁴ *Id.*

⁹⁵ AUGUSTINE, THE CITY OF GOD, bk. XV, ch. 15 (Gerald G. Walsh & Daniel J. Honan trans.) reprinted in 24 THE FATHERS OF THE CHURCH 223 (Hermigild Dressler et al. eds., 1954).

⁹⁶ CHARLES COLSON, KINGDOMS IN CONFLICT 112 (1987).

govern.”⁹⁷ The Westminster Confession similarly described the civil magistrate’s duty:

to see that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed. For the better effecting whereof he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God.⁹⁸

Perhaps only the Anabaptists and their spiritual descendants preserved the original teaching of Jesus and the apostles that God’s kingdom is spiritual, not physical, and is built through submission, not through aggression. Because the Anabaptists taught that believers come to Jesus one-by-one, rather than as part of a covenant community, they rejected infant baptism.⁹⁹ The broader significance of this rejection did not escape the notice of followers of other more dominant Christian traditions: “To attack, as Baptists did, the idea of covenant that made the practice of infant baptism meaningful was to attack its social manifestations as well, and such Protestants as the Massachusetts Bay Puritans saw only alarm and confusion in this fundamental challenge to their experiment in holy commonwealth.”¹⁰⁰ Moreover, “[t]he privatization of faith implicit in the Baptist concept of ‘soul liberty’ inevitably challenged the millennia-old assumption that faith required the support and protection of the civil magistrate. Baptists thus became opponents of religious establishments and fierce advocates of religious liberty”¹⁰¹ “The external world was for them a place of pilgrimage rather than a permanent or semipermanent residence fit for godly renovation.”¹⁰²

Thus, from the time of Constantine to the time of Luther and beyond, leading Christian thinkers have espoused the idea that God has authorized civil government to “extirpate every form of false religion and idolatry”¹⁰³ Professor David Smolin has accurately observed that “Christian teaching throughout the ages has been virtually unanimous in declaring that the magistrate has been empowered by God with the

⁹⁷ JOHN CALVIN, INSTITUTES OF THE CHRISTIAN RELIGION, bk. IV, ch. XX, sec. 9 (Ford Lewis Battles trans., John T. McNeill ed., The Westminster Press Vol. 2 1960) (1536).

⁹⁸ WESTMINSTER CONFESSIO, ch. XXIII (1646).

⁹⁹ See Timothy L. Hall, “*Incendiaries of Commonwealths*”: *Baptists and Law*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT, *supra* note 1, at 341.

¹⁰⁰ *Id.* at 342.

¹⁰¹ *Id.* at 343.

¹⁰² *Id.* at 346.

¹⁰³ KUYPER, *supra* note 14, at 100.

authority to use force to enforce at least some part of God's law."¹⁰⁴ The Scriptural "anchor" of this long history of Christian scholarship favoring enforcement of God's law by the civil magistrate is the thirteenth chapter of Paul's epistle to the Romans.¹⁰⁵ But Romans 13 would be better understood as one example of the biblical doctrine that the believer should submit to God's providence.

A. *The Biblical Doctrine of Submission to God's Providence.*

The Apostle Paul taught that "all things work together for good to them that love God, to them who are the called according to His purpose."¹⁰⁶ God plans, controls and uses all things to make His people more like His Son.¹⁰⁷ Scripture makes clear that when Paul said God uses "all" things for good, "all" has no exceptions. Thus, the "servants" of God's providence have included floods,¹⁰⁸ frogs,¹⁰⁹ lice,¹¹⁰ flies,¹¹¹ disease,¹¹² hail,¹¹³ locusts,¹¹⁴ quail,¹¹⁵ serpents,¹¹⁶ a donkey,¹¹⁷ thunder and rain,¹¹⁸ a lion,¹¹⁹ ravens,¹²⁰ a great fish,¹²¹ and human rulers, both good and bad.¹²²

The believer therefore can go through this life confidently no matter the circumstances, for "if God be for us, who can be against us?"¹²³ If the believer faces "tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword,"¹²⁴ no matter, nothing can separate the believer from the love of Him who superintends all things for our good. In spite of seeming "defeats," the believer is nevertheless a victor

¹⁰⁴ David M. Smolin, *The Enforcement of Natural Law by the State: A Response to Professor Calhoun*, 16 U. DAYTON L. REV. 393, 393 (1991).

¹⁰⁵ *Id.*

¹⁰⁶ *Romans* 8:28.

¹⁰⁷ *Romans* 8:29.

¹⁰⁸ *Genesis* 6:7-7:24.

¹⁰⁹ *Exodus* 8:6.

¹¹⁰ *Exodus* 8:17.

¹¹¹ *Exodus* 8:24.

¹¹² *Exodus* 9:2-10.

¹¹³ *Exodus* 9:24.

¹¹⁴ *Exodus* 10:13.

¹¹⁵ *Numbers* 11:31.

¹¹⁶ *Numbers* 21:6.

¹¹⁷ *Numbers* 22:28-30.

¹¹⁸ I *Samuel* 12:18.

¹¹⁹ I *Kings* 13:21-24.

¹²⁰ I *Kings* 17:4.

¹²¹ *Jonah* 1:17.

¹²² *Jeremiah* 27:6; *Daniel* 2:37-38; *Romans* 13:4; I *Peter* 2:14.

¹²³ *Romans* 8:31.

¹²⁴ *Romans* 8:35.

through the sovereign Christ, who loves His own.¹²⁵ Thus, neither “death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord.”¹²⁶ God’s providence is “pervasively presupposed as well as explicitly taught throughout the Scriptures.”¹²⁷

Therefore, the commands of human governors, as long as they touch only merely temporal, material things, usually should be unimportant to the believer in God’s providence. The believer will, in obedience to God, yield such things to the temporal human government. Thus, when Jesus was asked whether it was proper to pay taxes to Caesar,¹²⁸ He asked whose image and inscription was on the money.¹²⁹ Once it was established that Caesar’s inscription was there, it was easy to identify as mere things of this world both the human government that Caesar embodied and the coin that his government minted. Therefore, if the earthly Caesar demands money, the believer should pay,¹³⁰ but the believer must reserve for God his heart and soul, the heavenly things that belong to God alone. Similarly, Jesus admonished His disciples in the Sermon on the Mount not to resist mere physical imposition—coats, blows and the like.¹³¹

Of course, God’s providence extends to all human relationships. As Jesus said at His trial before a “kangaroo court,” man can have no power over man unless God allows it.¹³² He “removeth kings, and setteth up kings.”¹³³ And once a ruler comes to power, he can exercise only the power that God permits. “The king’s heart is in the hand of the LORD, . . . he turneth it whithersoever he will.”¹³⁴ Thus, the Bible teaches that human rulers are, almost literally, God’s pawns.

Because all power resides ultimately with and flows from God,¹³⁵ if a relationship of human authority exists, then, in an important sense, God is the author of that relationship, and what God has established, man

¹²⁵ *Romans* 8:37.

¹²⁶ *Romans* 8:38-39.

¹²⁷ GORDAN J. SPYKMAN, REFORMATIONAL THEOLOGY: A NEW PARADIGM FOR DOING DOGMATICS 270 (1992).

¹²⁸ *Matthew* 22:17.

¹²⁹ *Matthew* 22:19-20.

¹³⁰ *Matthew* 22:21.

¹³¹ *Matthew* 5:38-42.

¹³² *John* 19:11.

¹³³ *Daniel* 2:21.

¹³⁴ *Proverbs* 21:1.

¹³⁵ *Romans* 13:1.

must not seek to avoid.¹³⁶ Therefore, to the believer, human government is not a social contract but rather a divine appointment, for God obligates the believer to government, with or without the believer's consent. Contemporary pastor John MacArthur states the point very clearly:

[T]he entire universe, including Satan and his demons, is subject to the omnipotent, omniscient will of the Creator. Without exception, the power any leader, political party, or agency wields is delegated and circumscribed by God. Therefore, it only makes sense biblically that we ought to obey the government because its one and only source is God.¹³⁷

Thus, the believer's obligation to obey government is no recognition of human authority, but rather is submission to God's providence. "[T]he ultimate duty of obedience is imposed upon us not by man, but by God Himself."¹³⁸ God's sovereignty over human relationships is a source of great comfort to the believer because it means that nothing—no human power—can touch the believer without first passing through the filter of God's sovereign, loving hand.

These principles are taught throughout the Bible, including in the written accounts of Jesus' teachings. For example, Matthew 19 and Mark 10 both record Christ's response to a question from the Pharisees about divorce:¹³⁹ "What, therefore, God hath joined together, let not man put asunder."¹⁴⁰ Jesus stated directly the reason He opposed divorce—divorce is man's attempt to take apart what God has allowed to come together. This teaching was more pointed in Christ's day than in ours. Those who oppose divorce today frequently think of divorce as breaking a promise to remain faithful "until death do us part." But in Christ's time, divorce was understood as breaking more than a mere human promise. Frequently, fathers chose brides for their sons, working out the details directly with the father of the bride-to-be. It was easier in such a culture to see the coming together of a bride and groom as God's work rather than the spouses' choice.

Marriage is but one example of the clear teaching throughout Scripture that the believer must submit to, instead of rebelling against, the circumstances in which God has placed him. The relationship of master and slave is another example.¹⁴¹ And most importantly for present purposes, this principle of submission applies also to the

¹³⁶ For example, in His teaching concerning the propriety of divorce, Jesus says "What God has joined together, let not man put asunder." *Matthew* 19:4-6.

¹³⁷ MACARTHUR, *supra* note 28, at 28.

¹³⁸ KUYPER, *supra* note 14, at 83.

¹³⁹ See *Matthew* 19:1-12; *Mark* 10:1-12.

¹⁴⁰ *Matthew* 19:6; *Mark* 10:9.

¹⁴¹ I *Peter* 2:18-20.

relationship between citizen and ruler. The believer should bear witness to his faith in God's sovereignty by submitting to *all* earthly authority.

The apostles reiterated the principle that the believer should submit to God by submitting to earthly authority—all authority is something that God has allowed and wishes to use in the believer's life. For example, while Romans 13 has been the Scriptural "anchor" of the Christian view that human rulers are authorized to enforce some part of God's law,¹⁴² the context of Romans 13 and the preceding chapter is Paul's teaching that the Christian should, as much as possible, live peaceably with everyone.¹⁴³ If the Christian is wronged, he should let God avenge that wrong.¹⁴⁴ Immediately after establishing that vengeance is God's domain, not ours, Paul points out that one tool God uses to exercise vengeance is human government: "there is no power, but of God, the powers that be are ordained of God."¹⁴⁵ Paul expounds this concept three verses later: "For [the human ruler] is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil."¹⁴⁶ The significance of Romans 13:3-4 is not that rulers will always praise good and punish evil. We know from bitter historical experience that this is not the case. Rather, Romans 13 is a statement of God's sovereignty. He uses all things, including all earthly authorities, good and bad, to accomplish His purposes. Therefore, believers should submit to those authorities in confidence and hope.

Likewise, Christian slaves were to "be subject" to their masters, not because slavery is good, nor because the master is good, and not because the master is self-consciously serving God. In fact, slaves were to obey not only the "good and gentle" master, but also the "froward."¹⁴⁷ Slaves were to obey their masters because God has sovereignly allowed the master to hold that position. This does not mean that the master will be good or that slavery is good—far from it. The believing slave must submit in any event.

The believer who submits need not worry.¹⁴⁸ The believer might suffer under an evil authority, but the believer need not fear that authority, for God has allowed it. Suffering is not to be avoided at all costs. The believer should be ready to suffer¹⁴⁹ and should even rejoice in

¹⁴² *E.g.*, Smolin, *supra* note 102, at 393.

¹⁴³ *Romans* 12:18.

¹⁴⁴ *Romans* 12:19.

¹⁴⁵ *Romans* 13:1.

¹⁴⁶ *Romans* 13:4.

¹⁴⁷ *I Peter* 2:18.

¹⁴⁸ *I Peter* 3:14.

¹⁴⁹ *I Peter* 4:12.

suffering.¹⁵⁰ Believers are not better than their perfect Master, who also suffered. This suffering of believers is part of God's plan: "Christ also suffered for us, leaving us an example," that we should "follow his steps."¹⁵¹ Just as He placed Himself in the hands of God, who controls all things and always "judgeth righteously,"¹⁵² so should believers who "suffer according to the will of God commit the keeping of their souls to him in well doing, as unto a faithful Creator."¹⁵³ If the believer is to suffer, she must make sure that it is for doing good, not for doing wrong,¹⁵⁴ because God is pleased when His people "endure grief, suffering wrongfully."¹⁵⁵

Thus, even when the believer suffers wrongfully at the hands of a wicked ruler, just as Jesus Christ and His apostles suffered wrongfully at the hands of wicked rulers, that ruler is God's "minister." He is God's errand-boy. God intends to use the ruler's evil to accomplish good—like turning off the light so that the lives of longsuffering believers shine ever more brightly in this dark world.

*B. Twisting the Doctrine of Submission into a Mandate of
Discretionary Authority*

Because God uses all things to accomplish His purposes, the believer must submit to his circumstances, including human rulers, as instruments of God's providence. How should an understanding of God's providence affect the believer's view of the civil magistrate's role in enforcing God's law? Calvin wrote that human magistrates "have a mandate from God, have been invested with divine authority, and are wholly God's representatives, in a manner, acting as his vicegerents."¹⁵⁶ Calvin's statement warrants scrutiny. The idea that the human ruler is a "minister of God" certainly implies that God uses the magistrate. But Calvin's teaching goes well beyond this uncontroversial proposition. Calvin teaches that God uses the human ruler in a particular way—to exercise discretion on God's behalf. But whether the human ruler does God's work self-consciously is a separate question from whether God will use the ruler to accomplish His work. Thus, Calvin's teaching includes at least four propositions: 1) God uses human rulers; 2) human rulers exercise God's authority; 3) human rulers self-consciously serve God; and 4) part of that service is the enforcement of at least part of God's law.

¹⁵⁰ I *Peter* 4:13.

¹⁵¹ I *Peter* 2:21.

¹⁵² I *Peter* 2:23.

¹⁵³ I *Peter* 4:19.

¹⁵⁴ I *Peter* 3:17, 4:15.

¹⁵⁵ I *Peter* 2:19.

¹⁵⁶ CALVIN, *supra* note 95, at bk. IV, ch. XX, § 4.

The first of these four propositions flows logically from the doctrine of God's providence. The other three will be examined in turn.

1. Does the Believer's Obligation to Submit Imply the Temporal Ruler's Discretionary Authority?

Romans 13 teaches that believers should submit to human rulers for the Lord's sake. What does this command imply about the ruler's authority? Note that Romans 13 is addressed, not to rulers, but rather to Christian citizens. This is in interesting contrast to the other hierarchies addressed by Paul—husbands and wives, parents and children, masters and slaves. In each of these relationships, Paul addresses both parties, instructing each to submit to the other. Yet Paul does not instruct the ruler. Therefore, if Romans 13 teaches anything about the ruler's proper view of his own authority, we must infer it either from the fact that Paul told believing citizens to submit or from Paul's description of how God uses human rulers.

At first blush, the command for believing citizens to submit implicitly grants authority to the ruler, and perhaps it does, but only in a limited sense. Let me illustrate. As the father of young children, I have sometimes hired teenaged babysitters. Before the babysitter arrives, I often take my children aside and instruct them that they are to obey the babysitter. Does the babysitter then exercise my authority?

To answer that question, it is important to rehearse another speech that I sometimes give on babysitting occasions. Because I recognize that the babysitter herself is barely more than a child, I might tell her (perhaps outside the hearing of my own children) something like this: "I think that it would be unfair and unwise of me to expect you to discipline my children. That is my job. For the next few hours, I would like you to make sure that my children do not kill each other and that they do not burn the house down. That is all. A situation may arise that cries out for discipline. For such an occasion, here is my cell phone number. I can be back here in thirty minutes."

Now, does the babysitter exercise authority? Yes, but in a limited sense. What should my child do if the babysitter tells him to sit in the corner? Well I told my child to obey—he should sit in the corner. But was the babysitter "authorized" to issue that command? No.

The point here is that requiring submission implies nothing about the scope of the authority of the ruler. This is especially so because, unlike my control over the babysitter, God has plenary control over every human ruler at every moment. Because my children will understand that I cannot control the babysitter absolutely, they might infer that my command to obey carries with it an understanding that the babysitter will exercise at least some discretionary authority to be exercised by the babysitter. But when God tells the believer to obey human rulers, it is in

the context of God's sovereign control over all things, including the ruler. Obeying the ruler is tantamount to obeying God in a way that obeying the babysitter is not tantamount to obeying me. Thus, there is no justification for turning the obligation of submission around to justify authoritarianism.

This disconnect between the obligation to submit and the authority of the ruler appears also in the other hierarchies that Paul addresses. While the apostle told wives to "submit" to their husbands, he never told husbands to be masters of their wives—far from it. And though Paul told slaves to obey their masters, he never justified slavery. Likewise, when God tells us to obey the government, that command is not a mandate of authority to those who would use the coercive power of government. To the contrary, government, like every human authority, is a necessary evil to be minimized, not a good to be seized and exploited.¹⁵⁷

2. Temporal Rulers: Willful Agents of God or Unwitting Agents of God's Will?

Chapter thirteen of Paul's Epistle to the Romans says nothing about how the human ruler should see his own role, but the text does do more than merely command believers to submit. Paul also describes how God uses human rulers: human rulers are God's "ministers."¹⁵⁸ Thus, describing the role of rulers raises the question whether the role of "minister" necessarily implies that governors must or should think of themselves as God's vicegerents. Many have read this passage as establishing a biblical norm for all human government—that biblically correct human government must self-consciously use the sword to execute God's vengeance—but such teaching is a dangerous extrapolation from the precise teaching of the passage. Paul writes in Romans 13 that government *is*—indicative mood—a terror and revenger upon evil, not that it *is to be*—imperative mood—a terror and revenger. This is a subtle but important distinction. The passage teaches that the believer can safely submit to the state because God is in ultimate control and will use human government to accomplish His purposes, not that human government must take that role upon itself by self-consciously pursuing God's purposes, and certainly not by using the sword.

Thus, the fact that Paul describes the ruler as God's "minister" does not necessarily mean that the ruler self-consciously serves God. In fact, Rome—the very government described by Paul as "God's minister" when Romans 13 was penned—was no self-conscious friend of God. Rome frequently used the "sword" to be sure, but not always to execute the vengeance of God, but rather to execute, or at least to punish, believers

¹⁵⁷ See *infra* notes 997-27 and accompanying text.

¹⁵⁸ Romans 13:4.

in Jesus (not to mention Jesus Himself). Nevertheless, the Apostle characterized Rome as “God’s minister.” While the historical fact of Rome’s wickedness may not prove that government should not self-consciously serve God, it does show that when Paul refers to Roman rulers as God’s “ministers,” Paul is not saying that those rulers must self-consciously serve God.

Even though Romans 13 does not tell rulers to be God’s ministers, and even though the rulers in place at the time did not necessarily think of themselves that way, it is at least conceivable that when Paul said that rulers are a terror to evil works, he was not merely describing—that he meant to imply a normative, self-conscious role for human rulers. But even though this “vicegerent” interpretation of Romans 13 is conceivable, it clearly is not the only possibility, nor even the best one. Scripture demonstrates that when God requires a minister, such as a civil magistrate, to accomplish His will, He does not necessarily go looking for volunteers. God can and does use human instruments (among others) to accomplish His purposes on this earth, and He does so without necessary regard to the willingness or motives of the human actors. Sometimes those human actors are consciously pursuing God’s purposes—sometimes not. God uses them in any event. God can and does use civil government, good and evil, to accomplish His purposes. *All* things, including all authorities, are God’s tools.

The Scriptures are replete with examples of God’s unwitting servants. The Old Testament account of Joseph provides an excellent example of both a believer in God submitting to the unjust circumstances that God, in His providence, had permitted and God’s using unwitting agents to accomplish His purposes. Joseph twice dreamed that he would be exalted and that even his own family would bow down to him, and Joseph and his family appeared to interpret these dreams as a potential sign from God.¹⁵⁹ In response, Joseph’s brothers sold him as a slave, an unmistakable injustice.¹⁶⁰ Under the circumstances, one might understand if Joseph had sought to escape from his condition of slavery, but he apparently did not. Rather, he served his human master as a good slave, and God blessed him.¹⁶¹ When his master’s wife sought to tempt Joseph, Joseph resisted, was falsely accused by her, and was thrown in jail.¹⁶² But again Joseph was a model prisoner, and God blessed him there too.¹⁶³

¹⁵⁹ *Genesis* 37:5-11.

¹⁶⁰ *Genesis* 37:27-28.

¹⁶¹ *Genesis* 39:1-6.

¹⁶² *Genesis* 39:7-20.

¹⁶³ *Genesis* 39:21-23.

Joseph's own words show that he knew that he had been wronged, that by rights he should be living in his father's house instead of in prison in Egypt: "I was stolen away out of the land of the Hebrews: and here also have I done nothing that they should put me into the dungeon."¹⁶⁴ If anyone would ever justly use force to accomplish God's purposes, it was Joseph. God had shown Joseph that he was destined to rule, but twice betrayed, Joseph's career appeared to be hopelessly sidetracked. Yet it appears that Joseph never tried to escape or to force his own view of God's vision, but rather faithfully served in whatever position he found himself, no matter how menial.

Joseph did try to remedy the injustice done to him—he tried to get word to Pharaoh to remedy his false imprisonment—but Joseph was again the victim of injustice when the king's cupbearer forgot to mention Joseph to Pharaoh.¹⁶⁵ It was not until two years later, but not a moment too late by God's timetable, that God gave Pharaoh the dream that would lead to Joseph's release.¹⁶⁶ Finally, through a series of circumstances that could not have been predicted by man, Joseph was elevated to a place of authority in Egypt.¹⁶⁷ From a human perspective, if Joseph had been treated justly, God's purpose would not have been fulfilled, at least not in the way that God apparently intended. If Joseph had obtained the just release that he sought two years earlier, God's miraculous plan would not have come to fruition. Joseph did not seek to be sold as a slave. God could have stopped Joseph's brothers from their evil design, kept Potiphar's wife from falsely accusing Joseph, or reminded the cup bearer to mention Joseph, but God permitted all of those wrongs because that was His plan all along. When Joseph's brothers finally bowed before Joseph their ruler, they feared for their lives because of the evil they knew that they had done to him. But Joseph demonstrated that he understood well the doctrine of God's providence, that he had learned the difference between submitting to God and proudly seeking to do God's job: "Fear not [he told his brothers]: for am I in the place of God? But as for you, ye thought evil against me; but God meant it unto good . . ."¹⁶⁸ Does that mean that Joseph's brothers did a good thing? Obviously not. But they nevertheless were doing God's bidding, for God meant their evil for good.

The pages of Scripture contain many similar accounts of God's unwitting servants. God specifically allowed Pharaoh and the Egyptians

¹⁶⁴ *Genesis* 40:15.

¹⁶⁵ *Genesis* 40:20-23.

¹⁶⁶ *Genesis* 41:1.

¹⁶⁷ *Genesis* 41:33-44.

¹⁶⁸ *Genesis* 50:18-20.

to survive for the express purpose of showing His power.¹⁶⁹ Thus, Pharaoh became an unwitting “servant” of God.¹⁷⁰ God likewise raised up enemies to judge His people and then judges to deliver His people from the enemies He had raised up.¹⁷¹ Thus, both the enemies of Israel and Israel’s judges were God’s servants.

Perhaps the most noteworthy example of a human governor chosen by God to accomplish His divine purposes was Nebuchadnezzar, the pagan king of Babylon. Nebuchadnezzar was no friend of God or Israel. Nevertheless, God gave Nebuchadnezzar “a kingdom, power, and strength and glory,”¹⁷² and Scripture calls Nebuchadnezzar God’s “servant.”¹⁷³ God used the sword of Babylonian authority to judge His people. Babylon was not self-consciously doing good at the time—Babylon was evil. But just as God used the evil actions and intentions of Joseph’s brothers for good, God used the sword of the evil Babylonian empire to accomplish His sovereign purposes. Babylon was by no means the only nation used by God to accomplish His purposes; He similarly used Assyria,¹⁷⁴ Egypt,¹⁷⁵ and Syria.¹⁷⁶ Thus, a ruler can be “a terror” to evil,¹⁷⁷ can praise good,¹⁷⁸ can be God’s minister,¹⁷⁹ a revenger¹⁸⁰ and executioner of wrath,¹⁸¹ all without ever giving it a thought.

IV. THE FEAR OF MAN BRINGS A SNARE, BUT THE FEAR OF THE LORD IS THE BEGINNING OF WISDOM

Thus, Scripture never commands that the civil magistrate should self-consciously enforce God’s law. Moreover, Scriptural principles dictate the contrary. Grounding human government in God’s law runs afoul of biblical principles in several ways. First, fallen man cannot abide by the fullness of God’s law. Second, the impracticality of importing all of God’s law into human law leads to picking and choosing, which tends to undermine the divine purpose of God’s law. Third, true morality cannot be compelled. Fourth, basing human law on part of God’s law focuses man’s attention on man instead of on God. Fifth, because this world is

¹⁶⁹ *Exodus* 9:16.

¹⁷⁰ *Romans* 9:17.

¹⁷¹ *Judges* 2:11-16.

¹⁷² *Daniel* 2:37-38.

¹⁷³ *Jeremiah* 27:6.

¹⁷⁴ *II Kings* 18:11-12.

¹⁷⁵ *II Chronicles* 12:2-4.

¹⁷⁶ *II Chronicles* 28:1-5.

¹⁷⁷ *Romans* 13:3.

¹⁷⁸ *Id.*

¹⁷⁹ *Romans* 13:4.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

ruled by unregenerate men, any attempt to base positive human law on moral principle will lead to perverse human law.

A. The Vain Attempt to Apply God's Perfect Moral Law in a Fallen World

It simply is not possible to require heavenly perfection in this fallen world; this would be to require the impossible for man. The world has yet to see, and never shall see, the Christian who completely lives up to his own moral standard. Much less can the Christian impose that standard on a non-believing and unwilling man who does not accept “the things of the Spirit of God, for they are foolishness unto him, neither can he know them, for they are spiritually discerned.”¹⁸²

Christian scholars long have recognized that God's moral law cannot be applied in its fullness to fallen man. Aquinas counseled against requiring the impossible through human law: “laws imposed on men should also be in keeping with their condition, for, as Isidore says . . . law should be *possible both according to nature, and according to the customs of the country.*”¹⁸³ Likewise, while advocating a “constructive”¹⁸⁴ role for the natural law, Professor Charles Rice hastens to echo Aquinas' acknowledgment that ultimate virtue is beyond the reach of human law and that the “human law should not try to enforce every virtue or prohibit every vice.”¹⁸⁵ Thus, following Aquinas, those who read Romans 13 as a mandate of authority frequently seem to be troubled by the implications of their own reading. “Few would hold that the Bible permits a state to punish whatever sin its citizens agree it ought to punish.”¹⁸⁶ Therefore, the advocates of enforcement of God's law by human rulers choose only some part of that law to be enforced. For example, Professor David Smolin contends that “merely evil thoughts are not punishable by the state” because, among other reasons, everyone has them, and we “cannot punish everyone.”¹⁸⁷ Professor Smolin is, of course, correct: God's moral law condemns everyone.

Because it is nearly universally recognized that the fullness of God's moral law cannot serve as a humanly enforceable standard for fallen human conduct, advocates of enforcement of God's law by the state are

¹⁸² I *Corinthians* 2:14.

¹⁸³ THOMAS AQUINAS, *TREATISE ON LAW* 91 (Regnery Publishing 1998) (1267-73).

¹⁸⁴ Professor Rice advocates “two functions” for natural law with respect to human law—the “constructive” and the “critical.” Charles Rice, *Some Reasons for a Restoration of Natural Law Jurisprudence*, 24 *WAKE FOREST L. REV.* 539 (1989), reprinted in *IS HIGHER LAW COMMON LAW?* 46 (Jeffrey A. Brauch ed., 1999). In Rice's account of the “constructive” role for natural law, “natural law serves as a guide for the enactment of laws to promote the common good.” *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ Stern, *supra* note 78 at 5.

¹⁸⁷ Smolin, *supra* note 102, at 399.

forced to water it down. They must face the intractable question of how to divide that part of God's moral law that ought to be enforced by the human ruler from that part that ought to be left to enforcement by God. May the ruler outlaw blasphemy? Sodomy? Poor parenting? Cruelty? Gluttony? Is there a clear stopping place? We all want to outlaw theft, but if morality is the basis for outlawing theft, why not outlaw covetousness? Some may want to outlaw adultery, but why not outlaw "look[ing] on a woman to lust after her"?¹⁸⁸ The argument that we cannot read people's minds misses the mark. Many crimes include a *mens rea* element that requires our criminal justice system to prove what is in men's minds. This, then, is a fundamental difficulty faced by those who would enlist human government to enforce God's law—nobody¹⁸⁹ really seems to have the stomach for doing it completely.

The failure to solve this problem has not been for want of trying. Christian lawyers have tried to explain when God's moral law should be enforceable by man and when not, but none of the explanations suffices. Scripture itself does not tell us how to water down God's law so that it can be enforced by man. None of the proffered divisions between the enforceable part of God's law and the unenforceable part is spelled out in Romans 13 or anywhere else in Scripture.¹⁹⁰ As explained by contemporary pastor John MacArthur, Romans 13 sets out no exception to the obligation of submission: "Notice that the apostle, under the inspiration of the Holy Spirit, gives this command without qualification or condition."¹⁹¹ Scripture does not speak of the magistrate's authority, only of the believer's obligation to obey, which is general. Thus, if Romans 13 is a grant of authority, it appears to be general. And with all due respect to the great Christian minds¹⁹² that have concluded to the contrary, it appears that once the idea that government should self-

¹⁸⁸ *Matthew* 5:28.

¹⁸⁹ Perhaps I should qualify this sentence with the word "almost" because of the Christian Reconstructionists who are, at least, consistent. It is those who seek to preserve a role for God's law in human government but except some portion of God's law from enforcement who have deep consistency issues. My chief quarrel with the Reconstructionist view is with the idea that God will bring about His earthly kingdom through human law.

¹⁹⁰ Some have suggested that God's statement to Noah and his sons memorialized in *Genesis* 9:6 that "whoso sheddeth man's blood, by man shall his blood be shed" is a clear statement of at least one part of God's law that can be enforced by man. Perhaps it is, but this does not get us very far since we all agree that murder must be punishable by man. What we need is a principle that will allow us to determine when government should punish and when it should not. To say that government should punish murder does not necessarily provide a principle that can be applied to other potential crimes.

¹⁹¹ MACARTHUR, *supra* note 303028, at 21.

¹⁹² See *infra* notes 193193190-204204201 and accompanying text.

consciously enforce natural law is accepted, there is no logical stopping point between what should be enforced and what should not.¹⁹³

Aquinas concluded that human law must forbid “only the more grievous vices, from which it is possible for the majority to abstain; and chiefly those that are to the hurt of others, without the prohibition of which human society could not be maintained: thus human law prohibits murder, theft and suchlike.”¹⁹⁴ But Aquinas’ dividing line between the “more grievous vices” and those that do not hurt others is fatally flawed. First, the distinction between “more and less grievous” sin is false – sin is an absolute, not a relative matter. “For whosoever shall keep the whole law and yet offend in one point, he is guilty of all.”¹⁹⁵ Either we are transgressors of God’s law, or we are not. The apostle Paul clearly taught that we all are transgressors.¹⁹⁶ Second, the idea that only some sin hurts others also is false.¹⁹⁷

Professor David Smolin attempted to develop Aquinas’ basic idea of distinguishing the more grievous vices from the less by setting out more thorough principles for drawing a line between that part of God’s law that the civil magistrate is authorized by God to enforce and that part that the civil magistrate is not authorized to enforce.¹⁹⁸ Smolin, like earlier Christian writers,¹⁹⁹ advocates an aggressive role for human government: “[I]t is logical to include within the state’s power the ability to punish *conduct* that is gravely immoral.”²⁰⁰ Also, like those who had gone before him, Smolin recognizes the impracticability and undesirability of taking state punishment of vice to its logical extreme and so formulates several limiting principles for human enforcement of natural law. For example, “[d]ecisions regarding state enforcement must take account of the practical good versus practical evil that would result from either state enforcement or state nonenforcement.”²⁰¹ But there is nothing distinctively “Christian” about Smolin’s elaborate attempt to divide that part of natural law that the state should enforce from that part that it should not. His arguments (like those of Aquinas before him)

¹⁹³ See generally Elizabeth Mensch, *Christianity and the Roots of Liberalism*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT, *supra* note 1, at 54, 66 (discussing Augustine’s and Luther’s view that the polity is “only a necessary . . . dike against chaos” and that there is “no conceptual basis for legal limits to a ruler’s power.”).

¹⁹⁴ AQUINAS, *supra* note 180, at 942.

¹⁹⁵ *James* 2:10.

¹⁹⁶ *Romans* 3:23.

¹⁹⁷ Professor Craig Stern has debunked the idea of pursuing the common good through civil punishment of only “harmful” evil—all sin hurts others. See Stern, *supra* note 78, at 10.

¹⁹⁸ Smolin, *supra* note ~~104~~~~104~~102, at 397-402.

¹⁹⁹ See discussion, *infra*, notes 100-102, and accompanying text.

²⁰⁰ Smolin, *supra* note 102, at 399.

²⁰¹ *Id.* at 401.

are pragmatic.²⁰² Such pragmatic arguments abandon the consistent principle of government enforcement of morality by advocating such enforcement only when enforcement is relatively easy. For the church to settle for that outward reformation that may be possible would be to abandon our mission to expose the world's need by holding it to God's perfect standard.

And even if it did make sense to separate those sins that cause more harm from those that cause less, is that really the cut that we would make? What causes more "harm" to society, consensual sodomy or the unkind word? James, the half brother of Jesus, taught that the spoken word can do tremendous damage.²⁰³ He described the tongue as "a fire, a world of iniquity . . . that . . . defileth the whole body, and setteth on fire the course of nature: and it is set on fire of hell."²⁰⁴ It is an "unruly evil, full of deadly poison."²⁰⁵ Yet despite this clear Scriptural teaching that evil speaking is vastly destructive of human well-being, I do not know anyone who advocates criminalizing the unkind word as sodomy has been criminalized.²⁰⁶

Scripture suggests that singling out for criminal sanctions only "unrespectable" sins is wrong.²⁰⁷ The God of the Christian Bible does not favor the respectable. To the contrary, He "[ch]ose] the poor of this world [to be] rich in faith."²⁰⁸ Failure to love our unlovely neighbor is sin, and

²⁰² Aquinas and Smolin are not the only Christian thinkers seeking to divide enforceable biblical proscriptions from unenforceable. Notably, Professor Craig Stern has provided the beginnings of such a division but acknowledged that "[m]uch work remains." Stern, *supra* note 78, at 11. Professor Stern, my beloved and esteemed colleague, is about to publish and expanded attempt at that work.

²⁰³ *James* 3:5.

²⁰⁴ *James* 3:6.

²⁰⁵ *James* 3:8; see also David P. Leonard, *In Defense of the Character Evidence Prohibition: Foundations of the Rule Against Trial by Character*, 24 *IND. L.J.* 1161, 1188-90 (1998) (describing the evil of *loshon hora* or "evil speaking" based on Psalm 34).

²⁰⁶ The results of the historical attempts to divide the enforceable from the unenforceable look, well, suspicious. For example, many on the "religious right" conclude that God has given human rulers at least discretionary authority to choose to punish sodomy. But what about the rest (perhaps the most important part) of God's moral law? Those who try to make such a division frequently end up exempting from state regulation "pet sins," such as gossip and gluttony, while singling out for special censure those sins to which many of us happen not to be tempted. But why is consensual sodomy more deserving of punishment than the sin of hurtful words?

²⁰⁷ See generally *James* 2:1-10.

²⁰⁸ *James* 2:5. Ironically, it is the respectable of this world who historically have oppressed and are likely to continue to oppress believers in Jesus, see *James* 2:5-6, yet we believers, when we attain some political power, are tempted to oppress, not our oppressors, but the world's "unrespectable," with whom one would think believers in Jesus might actually feel some kinship.

the unloving person is a transgressor of God's law, just like the murderer.²⁰⁹

B. The Error of the Pharisees: Trying to Attain an Unattainable Standard

Most contemporary attempts to ground human law in God's natural law seem to flow from Aquinas' teaching that the immediate aim of natural law is "the common good."²¹⁰ A "big" government with an extensive moral role flows from Aquinas' view; if the immediate goal of law is progress through obedience toward "the good," then perhaps human law ought to reflect God's perfect moral law as closely as possible so that, in obeying human law and thereby some part of God's moral law, people more closely approximate "the good." Professor Angela Carmella put it this way: "Because the state's purpose is tied to the promotion, protection, and coordination of the common good, its role is essentially a moral one Catholic thought supports active government involvement in the economy, education, health care, housing, opposition to discrimination, and the environment—virtually every field modern political systems address."²¹¹

But what if Aquinas misperceived the role of natural law? What if natural law is an intermediate tool leading to "the good," not directly through obedience, but rather through apparent disobedience? What if the "first precept" of natural law is not "good" but "unattainable perfection"?

The Apostle Paul explained the relationship between obedience to God and human salvation in his epistle to the Galatian churches. Those who depend on the works of the law are under a "curse" because the law curses all who do not live up to its standard of perfection.²¹² Thus, the law condemns all.²¹³ But in condemning our disobedience, thus pointing out our need and helplessness, the law does us good as a "schoolmaster to bring us unto Christ, that we might be justified by faith."²¹⁴

Martin Luther used the Tenth Commandment to illustrate this convicting power of God's precepts:

"Thou shalt not covet," is a precept by which we are all convicted of sin, since no man can help coveting, whatever efforts to the contrary he may make. In order therefore that he may fulfil the precept, and not covet, he is constrained to despair of himself and to seek elsewhere and through another the help which he cannot find in himself

²⁰⁹ *James* 2:8-13.

²¹⁰ See AQUINAS, *supra* note 180, at 94.

²¹¹ Carmella, *supra* note 13, at 269.

²¹² *Galatians* 3:10.

²¹³ *Galatians* 3:22.

²¹⁴ *Galatians* 3:24.

Now what is done by this one precept is done by all; for all are equally impossible of fulfillment by us.²¹⁵

This nature and purpose of God's law as a schoolmaster is illustrated by the Scriptural accounts of those who approached Jesus asking what they needed to do to be saved. His response shows two things about the law of God. First, we all know something of God's law intuitively, and second, we cannot live up to the standard that we all have written on our own hearts. Consider St. Matthew's account of the rich young ruler who came to the Lord asking what he could do to earn eternal life. The Lord responded first by pointing out that nobody is good, except God. Nevertheless, Jesus answered the man's question—"keep the commandments."²¹⁶ Apparently not appreciating just how desperate was his own situation, this man set about trying to nail down his own obedience to God's moral law, asserting that he had obeyed the commandments from his youth.²¹⁷ But as Jesus had elegantly taught in the Sermon on the Mount, man can, at most, attain an outward conformity to some rules.²¹⁸ God's perfect moral law is not merely, or even primarily, "thou shalt not kill," "thou shalt not steal," and "thou shalt not commit adultery." God's law is more demanding than that: "[A]ll of the Law and the Prophets" hang on the single inward issue of love.²¹⁹ Therefore, Jesus included in His list of the commandments to be obeyed by the rich young ruler the commandments' underlying unifying principle—"love thy neighbor as thyself."²²⁰ The man apparently did not understand that the commandments were particular manifestations of the fundamental overarching requirement of God's perfect moral law—love. So Jesus told him to "sell that thou hast, and give to the poor."²²¹ Then the man understood that he could not live up to God's standard of perfect love. That should have come as no surprise—Jesus had told him at the outset that no mere man is good.

The rich young ruler's mistake was the mistake of Adam and the mistake of the Pharisee—he thought God's law was a list of rules that he could follow. The Pharisees achieved a certain outward appearance of

²¹⁵ Martin Luther, *Concerning Christian Liberty*, in 36 HARVARD CLASSICS 353, 367 (Charles W. Eliot ed., R.S. Grignon trans., The Collier Press 1910).

²¹⁶ *Matthew* 19:17.

²¹⁷ *Matthew* 19:20.

²¹⁸ Jesus taught that entering the kingdom of heaven through obedience to the law would require an obedience that "exceed[s] the righteousness of the scribes and Pharisees." See *Matthew* 5:20. Jesus then went on to list several illustrations of the limitations of outward conformity to rules. See, e.g., *Matthew* 5:21-22 ("Ye have heard that it was said by them of old time, Thou shalt not kill . . . But I say to you, That whosoever is angry with his brother without a cause shall be in danger of the judgment . . .").

²¹⁹ *Matthew* 22:40.

²²⁰ *Matthew* 19:19.

²²¹ *Matthew* 19:21.

righteousness.²²² But Jesus taught that righteousness cannot be achieved by living up to the law. God's law is the unattainable ideal—it must be unattainable to accomplish its essential human purpose of revealing man's imperfection and need of salvation. Anything short of perfect love is a sinful falling short of God's perfect standard, and we all fall short.²²³ We humans cannot live up to a perfect moral standard—that is, in fact, the point of the standard. In a very real sense, God's moral law is not meant to be obeyed. Let me be clear—God's moral law cries out for obedience and should be obeyed, but God knows that we cannot obey it. God nevertheless has written His law on our hearts to teach us our own inadequacy. Therefore, man does not need mere human law to tell right from wrong. The human conscience tells us what is right,²²⁴ and we know that we do not measure up.

This message was not lost on the disciples who witnessed Christ's conversation with the rich young ruler. "Who then can be saved?" they asked.²²⁵ God's law had its intended effect on their hearts—they knew that they did not live up to the standard. And Jesus immediately identified the solution. Salvation comes, not through trying to do the impossible, not through trying to live up to God's perfect moral standard—"[w]ith men this is impossible."²²⁶ Salvation comes through submitting to God's plan of salvation – "with God all things are possible."²²⁷

Thus, man is led to the only possible "good" for fallen man—salvation by God's grace—not immediately, through partial obedience to natural law. That is man's way, Adam's way, the Pharisees' way. Rather, man is led to "the good" by seeing his own inadequacy in the light of perfect natural law and finding adequacy in Jesus Christ's perfect life and finished work. When we, like the Pharisees, choose to multiply rules, even in a human attempt to track the knowledge of good and evil provided by the forbidden fruit, we continue to choose law—a watered

²²² See *Matthew* 23:25-28.

Woe unto you, scribes and Pharisees, hypocrites! for ye make clean the outside of the cup and of the platter, but within they are full of extortion and excess. Thou blind Pharisee, cleanse first that which is within the cup and platter, that the outside of them may be clean also. Woe unto you, scribes and Pharisees, hypocrites! for ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness. Even so ye also outwardly appear righteous unto men, but within ye are full of hypocrisy and iniquity.

Id.

²²³ *Romans* 3:23.

²²⁴ *Romans* 7:16.

²²⁵ *Matthew* 19:25.

²²⁶ *Matthew* 19:26.

²²⁷ *Id.*

down version, perhaps, but a law that can only condemn. Only God can accomplish the good for man, not through man's obedience to natural law, but rather through man's faith in God's miraculous provision of salvation in spite of man's inability to live up to the natural law standard. For human law to accomplish the "schoolmaster" role of God's law, the human law would have to be unattainable, and nobody suggests that should be the case.

Indeed, for Christians, ourselves sinners, to argue for an unattainable human standard would be inappropriate. God uses His law to accomplish His purposes in the lives of His creatures. But only a perfect God can demand a perfect standard of conduct. Christians would misuse God's law if we tried to force our vision of God's law on our fellow men. It would be unseemly to take God's moral law, a perfect, unattainable standard that God uses to show us our need, and to hold up excerpts of that perfect standard as a benchmark for human conduct upon pain of punishment.

For example, Professor Charles Rice explained that natural law serves as a guide for the enactment of human laws to promote virtue in the sense of "the common good," and cited as a contemporary possible opportunity to apply natural law "the harmful effects of permissive divorce."²²⁸ Professor Rice therefore suggests that "[l]egislators should . . . consider restrictions on divorce so as to strengthen the family as a divinely ordained natural society entitled to the protection of the State."²²⁹

Such talk has the lilt of beautiful music to the ears of the "religious right"—we are so sold on the premise that children would be better off in a divorce-free world that we tend to swallow uncritically the idea that the state should get involved in bringing that world about. And it is pretty clear where this line of thinking leads. The idea of "family as a divinely ordained natural society" leads not only to laws minimizing divorce, which is fairly universally seen today as something to be minimized, but also to laws minimizing cohabitation outside of marriage, both same-sex and opposite sex. Of course targeting cohabitation, particularly heterosexual cohabitation, for restriction would be much more controversial in the broader community, but if the idea is to promote a Judeo-Christian vision of "family as a divinely ordained society," why not punish heterosexual cohabitation? The Scriptural argument that cohabitation is an "evil" is pretty easy to make, at least as easy as the arguments against homosexuality and divorce, but our enthusiasm to punish does not extend equally to all "evils."

²²⁸ See Rice, *supra* note 181, at 46.

²²⁹ *Id.*

C. Spiritual Virtue Cannot be Compelled.

The scope of positive human law must be limited to temporal things both because temporal law cannot reach the eternal and because God reserves to Himself the government of the eternal. Martin Luther, unlike John Calvin, taught that “[h]eresy is a spiritual matter which you cannot hack to pieces with iron, consume with fire, or drown in water.”²³⁰ The weapons against heresy are not merely physical; such spiritual warfare requires much more powerful weapons. As the Apostle Paul wrote:

For though we walk in the flesh, we do not war after the flesh: (For the weapons of our warfare are not carnal, but mighty through God to the pulling down of strong holds;) casting down imaginations, and every high thing that exalteth itself against the knowledge of God, and bringing into captivity every thought to the obedience of Christ . . .²³¹

Therefore, Luther explained:

The temporal government has laws which extend no further than to life and property and external affairs on earth, for God cannot and will not permit anyone but himself to rule over the soul. Therefore, where the temporal authority presumes to prescribe laws for the soul, it encroaches upon God’s government and only misleads souls and destroys them. We want to make this so clear that everyone will grasp it, and that our fine gentlemen, the princes and bishops, will see what fools they are when they seek to coerce the people with their laws and commandments into believing this or that.²³²

Even if human government could compel outwardly moral conduct, such mere outward “morality” would be no morality at all. As then Professor and now Judge Michael McConnell recently explained, this Christian belief in the primacy of conscience is a foundation of liberalism: “Under this view, it is literally impossible as a theological matter for government power to improve a citizen’s spiritual state.”²³³ If the sovereign God who created us did not make us moral automatons, but rather permitted us to choose to obey Him, how dare the state presume to compel obedience to any moral code?²³⁴ Using force to prevent sinful acts may be temporally beneficial both to the constrained sinner and to those around him, but at what cost? Is this temporal benefit worth giving up the eternal benefit of liberty of conscience? As Luther taught, “it is not right to prevent evil by something even worse.”²³⁵

²³⁰ Martin Luther, *Temporal Authority: To What Extent it Should be Obeyed*, in LUTHER: SELECTED POLITICAL WRITINGS 63 (J.M. Porter, ed., 1974).

²³¹ I *Corinthians* 10:3-5.

²³² LUTHER, *supra* note 226, at 61.

²³³ See Michael W. McConnell, *Old Liberalism, New Liberalism, and People of Faith*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT, *supra* note 1, at 13.

²³⁴ See *id.* at 14.

²³⁵ See LUTHER, *supra*, note 226, at 62.

D. Merely Human Moral Standard as Idolatry

If positive human law is not to adopt the impossible perfection of divine love as the benchmark of acceptable human conduct, what is the biblical standard for human law? The proper foundation for human law is just the opposite of man-mandated virtue. Biblical human law should free man from the temptation to look to his fellow man as a source of condemnation or approval. “The fear of man bringeth a snare.”²³⁶ In this fallen world, man should neither fear his fellow man nor trust his fellow man. When the believer looks only to God for well being and not to his fellow men, only then will he be safe.

God’s law focuses man’s attention and hope on God. Positive human law should do the same. But the more thorough, detailed and articulated positive human law becomes, the more it tends to substitute fear of, trust in, and dependence upon man for fear of, trust in, and dependence upon God. Why fear God when human rulers govern your every step? Why trust the Lord when human government provides your every need?

From this biblical perspective, ideal human law would go only so far as necessary to alleviate the need for man to fear force from his fellow man. The Christian Church appears to have generally agreed that a “primary purpose of state enforcement is to make human society possible.”²³⁷ Without at least minimal human law, man must always look over his shoulder in fear of his fellow man. But excessive human law falls into the opposite trap—causing people to look to their fellow man for good. It is a mistake to cause men to seek the favor of human rulers. “It is better to trust in the LORD than to put confidence in princes.”²³⁸ True justice comes from the Lord alone.²³⁹ Human authority merely gets in the way.

Humans appear to have a natural, sinful tendency to look to each other for authoritative leadership to speak in the place of God and to tell us what is right and wrong. Thus, exalting the authority of mere man is idolatry—placing the state in the place of God. The believer has the Scriptures and has the Holy Spirit. These are enough to guide the believer into all Truth. We do not need the fallible state to supplement what God has given us directly.

Just as sinful people tend to replace God with their fellow men, many of those fellow men are more than willing to take God’s place, often in God’s name. But the Christian ruler must avoid this temptation. Marie Failinger and Patrick Keifert have described the danger of what they call the “theocratic move”:

²³⁶ *Proverbs* 29:25.

²³⁷ Smolin, *supra* note 102, at 397.

²³⁸ *Psalms* 118:9.

²³⁹ *Proverbs* 29:26.

demanding that law recognize and swear allegiance to a theocentric understanding of social life through coercion, not only risks the God-given conscience of the religiously other. It also pretends to an idolatry backed by force: for humans to be God by demanding allegiance of mind and heart to a particular interpretation of God's will . . . is almost worse than to allow the forces of the Devil to have free rein over part of the given world.²⁴⁰

E. Telling Human Rulers That They May Choose What Parts of God's Law to Enforce is a Bad Idea

The Christian doctrine of human depravity would suggest that government should not enforce its merely human view of morality. Government is made up of men, and men are depraved – their minds and hearts are darkened by sin. Those whose minds have been enlightened by the gospel and the Holy Spirit are only strangers and pilgrims here in this world until the Christ comes to rule and to reign in true righteousness. As Augustine put it, “God is not the ruler of the city of the impious.”²⁴¹ The Christian recognition of fallen man's depravity counsels against enforcement of anything as subject to temporal uncertainty and disagreement as “natural law.” Surely no believer would want to leave public morality to the rule of a world system in which the believer is an alien any more than the world would want believers to impose their morality on the world.

It is perhaps telling that leading advocates of a so-called “constructive”²⁴² role for natural law also advocate a “critical” role to shield us from the “perversion” of natural law.²⁴³ According to Professor Charles Rice, natural law “provides a reason to draw a line and criticize an action of the state as unjust and even void.”²⁴⁴ But once the natural law genie is out of the bottle, it is not at all clear that it can be so easily put back in.

While the world might rightly fear the Christian's claim to a “constructive” role for natural law, the “religious right” sometimes appears blind to the danger of advocating natural law's civil enforcement. If society were ever to charge judges with enforcing some “higher law,” those judges would have no choice but to enforce “higher law” as they see it. If a judge sincerely believed one of the perversions of

²⁴⁰ Marie A. Failinger & Patrick R. Keifert, *Making Our Home in the Works of God: Lutherans on the Civil Use of the Law*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT, *supra* note 1, at 386, 394.

²⁴¹ H. Jefferson Powell, *The Earthly Peace of the Liberal Republic*, in CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT, *supra* note 1, at 73, 90 (suggesting that Augustine's social theology would lead to the exclusion of religion from government).

²⁴² See discussion *infra* note 181.

²⁴³ See Rice, *supra* note 181, at 47.

²⁴⁴ *Id.* at 47.

higher law, she would have no choice but to enforce that perversion, which she sincerely believed to be higher law. Thus, the believer who would demand that governors enforce “higher” law may be demanding the enforcement of higher law’s perversion.²⁴⁵ John Hart Ely was right – “natural law approaches are surely one form of noninterpretivism.”²⁴⁶ *Roe v. Wade*, which the “religious right” sees as a perversion of law, is certainly no positivist outcome and is precisely what Christians invite when they advocate a role for natural law in either constructing or voiding human law.²⁴⁷

Not coincidentally, *all* of the biblical examples of proper civil disobedience involve disobedience to human rulers’ misguided attempts to compel the rulers’ own views of proper religious devotion. For example, when King Nebuchadnezzar ordered the three Hebrew “children,” Shadrach, Meshach and Abednego, to bow down to the king’s image of gold²⁴⁸ in violation of the first and second commandments,²⁴⁹ the Hebrews refused, not to save their own skin, or in a misguided attempt to accomplish God’s purposes, but because the king had commanded direct disobedience to God. This proper civil disobedience was rooted, not in the fear of man, but rather in faith in the power of God. When the Hebrew children refused to worship Nebuchadnezzar’s idol, the king threatened them with the fiery furnace and asked “who is that God that shall deliver you out of my hands?”²⁵⁰ Their answer shows the proper basis for Christian civil disobedience: “our God whom we serve is able to deliver us from the burning fiery furnace.”²⁵¹ They had faith in God’s sovereignty. This was no blind faith in a supernatural salvation from the flames, for they acknowledged that they might die.²⁵² But regardless of whether God chose to deliver them from the flame, they expressed their confidence that God would “deliver us out of thine hand, O king.”²⁵³

²⁴⁵ From the perspective of many Christians, this scenario has, in fact, been close to reality for decades now. After all, the “right” to abortion is based on a woman’s natural law right to control her own body.

²⁴⁶ JOHN HART ELY, *DEMOCRACY AND DISTRUST* 1 (1980).

²⁴⁷ And for *Roe* fans, consider that this “fundamental right” is perhaps only a conservative appointment or two away from obliteration by judges who do not share the values of the Warren Court. For a discussion of the discomfort felt by erstwhile fans of courts enforcing their own values, when those courts experience periods of political transition, see Louis Hensler, *The Recurring Constitutional Convention: Therapy for a Democratic Constitutional Republic Paralyzed by Hypocrisy*, *TEX. REV. L. & POL.* 263, 286-87 (2003).

²⁴⁸ *Daniel* 3.

²⁴⁹ *Exodus* 20:3-4.

²⁵⁰ *Daniel* 3:15.

²⁵¹ *Daniel* 3:17.

²⁵² *Daniel* 3:18.

²⁵³ *Daniel* 3:17.

They knew that Nebuchadnezzar was merely a tool in God's hand and that God would use Nebuchadnezzar for God's glory, either by delivering them from the physical effects of the fire, or by delivering them through martyrs' deaths. Either way, they would do right and leave the result to God. The fire was nothing. The power of the king was nothing. Only obedience to God mattered.

Similarly, the account of Daniel and the den of lions illustrates both the danger of a human ruler seeking to pursue heavenly ends through earthly authority and the proper response of the believer to such a misguided attempt. King Darius, seeking to promote his view of proper religious devotion through government power, was persuaded to decree, much as Nebuchadnezzar had before him, that for thirty days no one was to petition god or man, save Darius.²⁵⁴ This dictate would have prohibited Daniel from praying to God, but Daniel faithfully continued to pray in obedience to God, and was cast into the den of lions as a consequence. There God miraculously shut the lions' mouths.²⁵⁵ God used Darius' misguided exercise of power to show God's sovereignty over the lions and over Darius. Apparently, Darius did not learn his lesson. Upon seeing the deliverance of Daniel, Darius decreed that everyone must worship the true God, still believing that true religious devotion could be compelled.²⁵⁶ Scripture does not say, but history does not indicate that the Medo-Persian Empire was converted by Darius' decree that all believe in the true God. Yet Daniel's obedience to and faith in God has stood as a testimony to millions of people for thousands of years.

And it was the Jewish religious authorities of the day who commanded the apostles Peter and John, in violation of the Great Commission given to them by Jesus,²⁵⁷ "not to speak at all nor teach in the name of Jesus."²⁵⁸ The apostles correctly responded that it would not be "right in the sight of God to hearken unto you more than unto God."²⁵⁹ The would-be promoters of their own view of proper religious devotion placed before the apostles a stark choice between obedience to man and obedience to Christ. The apostles correctly chose to disobey man, not out of fear of man or human compulsion, but based on their faith in God. Thus, the lesson to be drawn from biblical examples of civil disobedience is not that human law must model God's law – just the opposite. The lesson is that man's authority over man always is dangerous and always

²⁵⁴ *Daniel* 6:7-9.

²⁵⁵ *Daniel* 6:10-24.

²⁵⁶ *Daniel* 6:25-27.

²⁵⁷ *Matthew* 28:18-20; *Acts* 1:8.

²⁵⁸ *Acts* 4:18; 5:17-31.

²⁵⁹ *Acts* 4:19.

tempts to focus the eyes of the citizen on the human ruler and his dictates instead of on God and His commands.

The Christian Reconstructionists make the very powerful point that human subjectivity in moral lawmaking is dangerous.²⁶⁰ But as Professor Tremper Longman has demonstrated, such dangerous subjectivity cannot be avoided by simply applying Old Testament law today as the Reconstructionists would—subjectivity and the potential for oppression remains.²⁶¹ However, reconstructionism’s flaw is not that it would attempt to enforce a moral law that no longer applies. Rather, reconstructionism’s flaw is that it advocates mere human enforcement of God’s moral law. If the correct answer to the Reconstructionists were to update Old Testament law to New Testament standards, then instead of the death penalty for adultery, we would have criminal punishment for “look[ing] on a woman to lust after her.”²⁶²

V. ADVICE TO THE CHRISTIAN RULER

A. *Learn Again to Serve God Through Vocation.*

The foregoing is generally consistent with the Anabaptist tradition, and were it not for one disagreement with the Anabaptists—over whether the Christian should serve as a civil magistrate at all—I could have ended this article with the last section.²⁶³ Professor Robert Cochran has aptly summarized the Anabaptist position:

Anabaptists are nonresistant—that is, they believe that Christians may not use force. Their separation from political and legal culture flows from their belief in nonresistance. A necessary element of government is the use of coercion and Christians are prohibited from using the sword. God may use people in governmental positions to restrain and punish evil, but these are not positions that Christians can occupy. Thus Anabaptists will not serve as soldiers or police.²⁶⁴

But I believe that God calls His people to serve Him in all walks of life, including, sometimes, in positions of temporal authority.

On this topic, Augustine cited John the Baptist’s teaching,²⁶⁵ which is reminiscent of Jesus’ Sermon on the Mount—“He that hath two coats, let him impart to him that hath none; and he that hath meat, let him do likewise.”²⁶⁶ Certain “government employees” then asked John how this

²⁶⁰ See Tremper Longman, *Theonomy: A Reformed Critique* 41-54 (1990), reprinted in *IS HIGHER LAW COMMON LAW?*, *supra* note 181, at 381, 387.

²⁶¹ See *id.*

²⁶² See *Matthew* 5:28.

²⁶³ See Smolin, *supra* note 1.

²⁶⁴ Cochran, *supra* note 2, at 246.

²⁶⁵ AUGUSTINE, LETTER 138 (412), reprinted in *AUGUSTINE: POLITICAL WRITINGS* 209 (Michael W. Tkacz & Douglas Kries trans., 1994).

²⁶⁶ *Luke* 3:11.

teaching applied to them. John responded first to tax collectors,²⁶⁷ not by teaching that the tax collectors should stop forcing people to give up their money, but by replying, “Exact no more than that which is appointed you.”²⁶⁸ In other words: be a good tax collector, follow the positive law, and do not cheat people. “Likewise the soldiers asked him, saying, ‘[a]nd what shall we do?’”²⁶⁹ John did not respond, “Lay down your arms” or “refuse to fight.” Rather, he replied, “Do violence [intimidation] to no man, neither accuse any falsely; and be content with your wages.”²⁷⁰ In other words: be good, quiet soldiers. Augustine’s teaching was consistent with John’s—Christian doctrine does not keep the Christian out of public service. Rather, Christian doctrine makes the Christian a better, more effective and harmless public servant.²⁷¹

After I expressed the forgoing view to a colleague not long ago, he asked me whether being a Christian lawyer is like being a Christian plumber. After all, Luther compared service to mankind as a ruler with service as a farmer or other tradesman.²⁷² Perhaps the Christian lawyer is like the Christian plumber. The Christian plumber should be a good plumber. The good plumber effectively fulfills his role—facilitating the transmission of water through buildings. Does the Christian plumber enforce the natural laws of physics? No. Does he take the laws of physics into account? Of course he does, if he is a good plumber.

Likewise, “good” law takes God’s truth into account, including the truth concerning the nature of man. Perhaps the proper goal of the ruler is not good in general, but a more limited mark—a civil order that permits other servants of God to accomplish their goals—plumbers to plumb, musicians to make music, and churches to edify believers and to reach out to unbelievers with the gospel. In this way, a just legal system is a legal system that keeps out of the way, allowing God’s enforcement of natural law to take its course.

Acceptance of the idea that human government must not seek to impose the perfection of God’s law does not mean that God’s perfect law will have no impact on human society in general or on human government in particular. Rather, that impact will be indirect, accomplished through individual lives as Christians live out God’s moral law. And, of course, the ruler should try to be a good ruler, just like the tax collector should try to be a good tax collector, the soldier should be a

²⁶⁷ *Luke* 3:12.

²⁶⁸ *Luke* 3:13.

²⁶⁹ *Luke* 3:14.

²⁷⁰ *Id.*

²⁷¹ This apparently is Niebuhr’s “dualist” category of Christians, a position championed most famously by Martin Luther. *See generally* Cochran, *supra* note 2, at 247 (describing the dualist category).

²⁷² *See* Failinger & Keifert, *supra* note 237, at 393.

good soldier, the plumber should be a good plumber, and the lawyer should be a good lawyer.

Thus, the citizen of heaven has a role to play in the earthly city—not to seek domination or the ushering in of the heavenly city—but a positive influence. Scriptural metaphors for the Christian life are passive—salt, light, living stones, slaves, sheep—not agents, not vicegerents. Augustine was right—Christian soldiers should be among the very best soldiers. Christian citizens should be model citizens. And Christian rulers should be better rulers than they would have been without their Christianity. Senator Jon Kyl made this point at the confirmation hearing of John Ashcroft for Attorney General of the United States:

There have been two interesting assertions made with respect to Senator Ashcroft by opponents. The first is that he has very strong convictions, faith and belief in God. Indeed, he does. The second is that he may not enforce the law and the Constitution. Well, the second assertion is at odds with the first. You can be assured that when John Ashcroft places his hand on the Bible and swears to uphold the laws and the Constitution, that he will do that on behalf of the people of the United States of America.²⁷³

B. Learn Again to Live in this World as a Sojourner

Professor Timothy Hall has observed that modern-day Baptists, perhaps the spiritual cousins of the early Anabaptists, have largely adopted a more aggressive view of the relationship between Christians and culture: “For example, even before the 1980’s found many Baptists joining ranks with conservative political action groups like the Moral Majority, the chief creedal statement of the Southern Baptists had envisioned a fair amount of commerce between the City of God and the cities of the world.”²⁷⁴ The Christian’s impulse to “Christianize” his nation is understandable; the Christian longs for home. But we are not there, not yet. I fear that we believers are tempted to build and satisfy ourselves with a temporal “kingdom” that is a pale substitute for the home that we long for. C. S. Lewis warned against neglecting the best while working for the good:

Now, if we are made for heaven, the desire for our proper place will be already in us, but not yet attached to the true object, and will even appear as the rival of that object. And this, I think, is just what we find. . . . If a transtemporal, transfinite good is our real destiny, then any other good on which our desire fixes must be in some degree

²⁷³ U.S. S. Judiciary Comm. Holds a Confirmation Hearing for Attorney Gen.-Designate John Ashcroft: Before The S. Judiciary Comm. 107th Cong. 21 (2001) (statement of Sen. Jon Kyl).

²⁷⁴ Hall, *supra* note [999997](#), at 347.

fallacious, must bear at best only a symbolical relation to what will truly satisfy.

. . . [Y]ou and I have need of the strongest spell that can be found to wake us from the evil enchantment of worldliness which has been laid upon us for nearly a hundred years. Almost our whole education has been directed to silencing this shy, persistent, inner voice; almost all our modern philosophies have been devised to convince us that the good of man is to be found on this earth. And yet it is a remarkable thing that such philosophies of Progress or Creative Evolution themselves bear reluctant witness to the truth that our real goal is elsewhere. When they want to convince you that earth is your home, notice how they set about it. They begin by trying to persuade you that earth can be made into heaven, thus giving a sop to your sense of exile in earth as it is. Next, they tell you that this fortunate event is still a good way off in the future, thus giving a sop to your knowledge that the fatherland is not here and now.²⁷⁵

The earliest type of the believing pilgrim was the patriarch, Abraham. God had promised Abraham, while he was still called Abram, that God would make Abram a great nation but that Abram would need to leave his home for a land that God would show him.²⁷⁶ Abram obeyed God and went out in faith, not knowing where he was going.²⁷⁷ Abram was not commanded to build the nation that God promised, just to step out in faithful obedience. And so he did, “[b]y faith . . . sojourn[ing] in the land of promise, as in a strange country, dwelling in tabernacles”²⁷⁸ He did not presume himself to build the city of promise, but instead “looked for a city which hath foundations, whose builder and maker is God.”²⁷⁹

This is not to say that Abram’s trust always was perfect. He, like Peter after him, was tempted to take matters into his own hands. And this temptation appears to have been particularly acute, as it was for Peter, when God’s promise seemed impossible from a human perspective. For example, when famine threatened Abram’s view of God’s promise, he left the promised land and moved to Egypt.²⁸⁰ While there, Abram succumbed to the fear of man and hatched a scheme to preserve his own life by lying about Sarai’s identity as his wife. God had to save Abram from his own folly and ultimately drove Abram from Egypt.²⁸¹

²⁷⁵ C. S. Lewis, *The Weight of Glory*, in *THE WEIGHT OF GLORY AND OTHER ADDRESSES* 25, 29-32 (Walter Hooper ed., 2001).

²⁷⁶ *Genesis* 12:1-2.

²⁷⁷ *Hebrews* 11:8.

²⁷⁸ *Hebrews* 11:9; *Genesis* 12:8.

²⁷⁹ *Hebrews* 11:10.

²⁸⁰ *Genesis* 12:10.

²⁸¹ *Genesis* 12:17-20. As time passed and advanced age set in, Abram likewise found it difficult to trust God’s promise of an heir and many descendants. Again, humanly speaking, God’s promises appeared to have become impossible, and so Abram stepped in

The turning point in Abraham's life of faith appears to have come with the long-awaited birth of Isaac, the son of promise. God had promised this son in Sarah's old age,²⁸² and that promise was miraculously fulfilled.²⁸³ But God again tested Abraham's faith, and this time Abraham passed the test. God told Abraham to offer Isaac as a burnt offering.²⁸⁴ Once again, obedience to God's command would make fulfillment of God's promise impossible from a human perspective, but this time Abraham's faith did not waiver. Abraham told his servants that he and Isaac would "go yonder and worship, and come again to you."²⁸⁵ If God were true to His word, Isaac must somehow survive the burnt offering experience. Therefore, just like the three Hebrew children who did not fear Nebuchadnezzar's fire, Abraham had a confidence, not in his own schemes, but in the promise of His God. So when Isaac asked "where is the lamb," Abraham could confidently proclaim that "God will provide himself a lamb."²⁸⁶ When Abraham obeyed, God did the impossible and provided God's lamb to die in Isaac's place.²⁸⁷

Believers should identify, not with the Caesars, but with the pilgrim Abraham, or with Christ, who was never at home here on earth.²⁸⁸ The Christ was no conquering leader. His very incarnation was only the beginning of His utter humiliation as a man. He did not cling to His divine form, but "made himself of no reputation, and took upon him the form of a servant, and was made in the likeness of men."²⁸⁹ His birth in a stable is famous for its humility. And while He sojourned here on earth, He was "despised and rejected of men; a man of sorrows, and acquainted with grief."²⁹⁰ He was humiliated, bound, an executed prisoner, a failure, a stumbling stone, an offense.²⁹¹ The Lion of the tribe of Judah became as a "lamb to the slaughter."²⁹² For now, the only

and fathered a son by Sarai's servant. Moreover, Abraham later repeated his earlier error in Egypt by lying to King Abimelech to save his own life. But Abraham's lie led King Abimelech to take Sarah, Abraham's wife, as the king's wife. In that account, God again supernaturally intervened on behalf of Abraham and Sarah, showing that Abraham did not need to lie to the authorities to protect himself because God, in His sovereignty, was able to protect Abraham. See *Genesis* 20.

²⁸² *Genesis* 18:10.

²⁸³ *Genesis* 21:1-2.

²⁸⁴ *Genesis* 22:2.

²⁸⁵ *Genesis* 22:5.

²⁸⁶ *Genesis* 22:7-8.

²⁸⁷ *Genesis* 22:13-14.

²⁸⁸ *John* 8:23.

²⁸⁹ *Philippians* 2:7.

²⁹⁰ *Isaiah* 53:3.

²⁹¹ *Isaiah* 8:14.

²⁹² *Isaiah* 53:7.

roaring lion walking about²⁹³ here on this earth is Satan, not Christ. The Christian may look for the blessed hope²⁹⁴ of that glorious day when every knee shall bow to Christ,²⁹⁵ but not today—not yet. Until then Christians will be “strangers and pilgrims”²⁹⁶ here. Jesus taught that the world would hate His followers, and what is important is the basis for the animosity. It must not be a natural animosity against Christian aggression. Rather, when the world hates Christians, it should be because Christians are not of this world, as Jesus was not of this world.²⁹⁷

Judge Michael McConnell aptly described the folly of Christians engaging in a temporal “war,” seeking to further moral or religious goals through the state:

Today, secular liberals frequently disdain religious ways of thinking and use the powers of the state, especially in the field of education, to advance their ideology. Christians and other religious citizens often return the favor, disdaining liberalism as a hostile ideology. I believe this is a mistake for both groups.²⁹⁸

Everyone loses the battle for control of state power to advance ideology. The Christian informed by what Scripture has to say about man’s depravity will not respond in kind to the secularists’ political power plays by “taking back the public schools” through official prayer in schools and the like. The Christian answer is instead to get the state out of the business of directly providing education at all. Likewise, the Christian would not outlaw sodomy, but would instead seek to get the state out of the sex and marriage business altogether. The earthly city’s role is purely to preserve peace and order so that the Heavenly City can be built. Therefore, to protect man from sinful encroachments by his fellow man, the Christian should work to make sure that theft, murder, and the like all are illegal. But sodomy, fornication, and other “victimless” offenses need not be so.

Contemporary theologian Walter Wangerin has poignantly captured the proper attitude of the Christian in this world:

What then of our big churches, Christian? What of our bigger parking lots, our rich coffers, our present power to change laws in the land, our political clout, our glory for Christ, our triumphant and thundering glory for Christ? It is excluded! All of it. It befits no Christian, for it was rejected by Jesus. If ever we persuade the world (or ourselves) that we have a hero in our Christ, then we have lied. Or else we are deceived, having accepted the standards of this world. He came to die

²⁹³ *I Peter* 5:8.

²⁹⁴ *Titus* 2:13.

²⁹⁵ *Romans* 14:11.

²⁹⁶ *I Peter* 2:11.

²⁹⁷ *John* 15:19.

²⁹⁸ McConnell, *supra* note 229, at 23-24.

beneath the world's iniquity. The world, therefore, can only look *down* on him whom it defeated—down in hatred until it repents; but then it is the world no more. Likewise, the world will look down on us—down in contempt until it elevates the Christ it sees in us; but then it won't be our enemy any more, will it?²⁹⁹

Not satisfied to carry Christ's cross of submission and suffering, Christians frequently take up instead the role of political operator, or moral inquisitor. But the believer who rejects his role as the despised of this world frequently ends up either squeezing into the world's mold or alienating the very world that the believer is called to win through submission. The Christian who, contrary to biblical admonition,³⁰⁰ seeks to win the world through friendship with the world can end up instead being won by the world. Professor Robert Cochran describes this potential pitfall of trying to convert culture:

The attractiveness of political power creates a strong incentive to compromise. Those within the National Council of Churches and those within the Christian Coalition would both identify themselves as Christ-transforming-culture Christians. But when the press releases of the National Council of Churches are indistinguishable from those of the Democratic Party and the press releases of the Christian Coalition are indistinguishable from those of the Republican Party, one wonders who is transforming whom.³⁰¹

The Christian judge of the world's morality errs equally. The Christian church judges only itself, not those outside the church. Therefore, sexual immorality, covetousness, idolatry, etc. are tolerated outside the church because only God judges there. God can and will enforce His moral law on the world at large. He does not need his church to do that, and He never has asked believers to do that. He will use man and nature to accomplish His purposes. The Christian's goal for the unbelieving world ought not to be the mere change of outward reformation, but true conversion through inward regeneration. And in pursuing the wrong goal, Christians can undermine their opportunity to accomplish the right goal:

When the church takes a stance that emphasizes political activism and social moralizing, it . . . diverts energy and resources away from evangelization. Such an antagonistic position toward the established secular culture . . . leads believers to feel hostile not only to unsaved government leaders with whom they disagree, but also antagonistic toward the unsaved residents of that culture—neighbors and fellow citizens they ought to love, pray for, and share the gospel with. To me

²⁹⁹ WALTER WANGERIN, JR., *RELIVING THE PASSION* 83 (1992).

³⁰⁰ See *James* 4:4.

³⁰¹ Cochran, *supra* note 2, at 248-49.

it is unthinkable that we become enemies of the very people we seek to win to Christ, our potential brothers and sisters in the Lord.³⁰²

In rejecting our role as rejected, we can drive away the very world that we are called to draw through our submission:

While the religious right has made its presence felt, this presence has spawned more criticism than praise. They have been denounced as hapless defenders of a mythical Christian America, feckless pawns of Republican Party strategists, intolerant champions of Christian triumphalism, and knee-jerk defenders of the “American Way of Life.”³⁰³

After all these centuries of Christians trying to force the world into the Christian mold, it is time for Christians to recapture the teaching of Jesus and the apostles. The true follower of Jesus does not try to seize the power of the earthly king to accomplish God’s purposes—that would be to usurp God’s role. It is supremely arrogant even to think that we can imagine how God desires to accomplish His will. Could Joseph have seen God’s hand in Joseph’s serial oppression? Could the disciples have discerned the hand of God in Judas’ betrayal? God rarely spells out for us precisely what His will is in any given circumstance. He gives us the love principle to live by and some specific commands to illustrate that principle. He then expects us to use our God-given reason, obediently submitting to His law of love, to make wise choices in life. He, then, in His sovereignty, uses our choices, good and bad, wise and foolish, to accomplish His purposes. But to jump straight to an attempt to accomplish God’s ends without employing God’s chosen means for us—wise and obedient decisions based on the love principle—is overly simplistic and abandons our personal responsibility as Christians. As my beloved colleague Craig Stern so elegantly put it:

We would affirm God’s sovereignty and His ability to work His will according to His own decrees without uninvited assistance from us. Perhaps others would take our position more seriously, at least recognizing our dedication to a truly biblical view of civil law instead of to a self-sanctified program of pragmatic power politics.³⁰⁴

VI. CONCLUSION

True morality cannot be promoted through the fear of man. Only the fear of God can lead men to Him. The world should have nothing to fear from the Christian, who would never seek to impose his view of God’s moral law on society at large. To the contrary, the Christian’s obligation to submit to all human authority should make the Christian the least threatening of all citizens.

³⁰² See MacArthur, *supra*, note [303028](#), at 14.

³⁰³ David L. Weeks, *The Uneasy Politics of Modern Evangelicalism*, XXX Christian SCHOLAR’S REVIEW 403, 406 (2001).

³⁰⁴ Stern, *supra* note 78, at 11.