

Blueprint for a Just Society

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Contents

- 1 Introduction 11**
 - 1.1 The Problem Today 11
 - 1.2 The Role of the Old Testament Law 13

- I Basis and Structure 27**

- 2 The Basis for Christian Participation 29**
 - 2.1 Is Government Legitimate? 29
 - 2.2 What is Justice? 38
 - 2.3 What Is a Legitimate Government? 41
 - 2.4 The Stability Argument 46
 - 2.5 Why Government at All? 50

- 3 The Limits of Government 53**
 - 3.1 Church and State 54
 - 3.2 Freedom of Speech and Freedom of Conscience 60
 - 3.3 Privacy 66
 - 3.4 Family 68
 - 3.5 Taxation and Drafts 73
 - 3.6 Controlling the Use of Private Lands 76
 - 3.7 Secession and Rebellion 78
 - 3.8 Gun Control and the Right to Bear Arms 81
 - 3.9 Licensing 83

- 4 The Power of the Sword 85**
 - 4.1 Decentralized Control 85
 - 4.2 Punishments 88

4.2.1	The Basis for Punishment	88
4.2.2	False Witnesses	90
4.2.3	Types of Punishment	91
4.2.4	The Basis for Mercy	97
4.2.5	Proportionality and Uniformity	101
4.3	The Just War	103
4.3.1	Justifying Use of Force without Prior Authority	104
4.3.2	Just Means of War	107
4.3.3	Reasonable Hope of Success	112
5	The Form of Government	115
5.1	Constitutionality	115
5.2	Representation	118
5.3	Judges	126
5.3.1	Appeals	128
5.3.2	Juries	129
5.3.3	Evidence	130
5.4	Separation of Powers	133
5.4.1	Parliaments and Congresses	133
5.4.2	Federalism	134
5.5	Government Agencies and Bureaucracies	136
5.6	Treaties	137
II	Biblical Approaches in a Modern Society	139
6	Economics and Poverty	141
6.1	The Right to Private Property	141
6.2	Uncontrolled Growth of Private Property	149
6.3	Immigration	155
6.4	Corporations and Capital	165
6.5	Labor and Slavery	170
6.6	Helping the Poor	183
6.7	Discrimination and Boycotts	188
6.8	Taxes	192
6.9	Money	196

7	Sex, Marriage and Family	199
7.1	Is There a Right to Self Destruction?	199
7.2	Oppression by the Sexual Revolution	203
7.3	Marriage and the Family	214
7.4	Homosexuality and Sexual Identity	219
7.5	Abortion and Human Life	223
7.6	Pornography and Freedom of Speech	227
7.7	Legal Distinction between Male and Female	229
8	Environment and Population	235
8.1	The Biblical Mandate for Caretaking	235
8.2	Population Control	239
8.3	Birth Control within Marriage	244
8.4	Common Ownership	247
8.5	Environmental Liability	250
8.6	Cost-Benefit Analysis	251
9	Concluding Thoughts	255
III	Appendices	257
A	The Christian Right and Christian Left	259
A.1	Original Roots	260
A.2	Political Philosophies	263
A.3	The Rise and Fall of the Movements	271
A.4	The Influence of Secular Movements	284
A.5	The Future of the Movements	289
B	The Pacifist Hermeneutic	299
B.1	The “Christ-centered” Hermeneutic	301
B.2	Justice in the Pacifist Hermeneutic	304
B.3	Approaches to Submission to Government	306
C	The Laffer Curve and Optimization	309
D	All the Laws of Moses	313
D.1	The Covenant of Adam	319
D.2	The Covenant of Noah	319

D.3	The Covenant of Abraham	319
D.4	The Covenant of Moses	320
D.4.1	The Ten Commandments	320
D.4.2	The Sacrificial Law	333
D.4.3	Covenantal Law	339
D.4.4	First-Generation Laws	341

About the Author

My credentials are all in the science arena: A.B. in physics from Cornell, Ph.D. in physics from the University of Illinois at Urbana-Champaign, Alexander von Humboldt Fellow at the Max-Planck Institute in Stuttgart, Germany, a stint as a rocket scientist at the Aerospace Corporation in the early 1990's, and presently professor of physics at the University of Pittsburgh. I have published over 140 scientific articles in journals such as *Science* and *Nature* and four physics books, and I have been a visiting scientist in recent years at Stanford, Yale, and MIT.

It is a fair question why I, as a scientist, have written a book on government. In one sense, the answer is that philosophy and politics are everyone's business. If we leave philosophy and politics only to existing experts, we risk running in the same grooves forever, as people educated in those fields learn the reigning paradigms and think entirely in those terms. An outside critique by a person trained in logical thinking can serve a valuable purpose in questioning the prevailing presuppositions.

But my background does give me a unique perspective on Christian thinking about government, because I have experienced firsthand a wide variety of Christian thinking on these issues. I was not raised in the church, and my earliest exposure to political thinking was the books of Ayn Rand. Like many others, I had a sort of conversion experience in reading Ayn Rand, when I realized that my actions really were to a large degree based on what others thought about me, rather than on the intrinsic value of the acts themselves. But it was only a year or so later that I became a Christian and started to move away from Rand. For me, Rand's ideal of a purely self-motivated man left no room for sin and failure; she painted pictures of Greek gods, titans of industry and self sufficiency, not real sinners like me. The Christian Gospel deals with that reality in a way that no other philosophy or religion does; to me, all the other philosophies and religions seemed like exercises in denial of the reality of sin.

As a young evangelical Christian at Cornell in the early 1980's, I soon came to have a number of Christian friends in the leftist camp, many of whom were Mennonites. I read all the books and articles coming out at the time promoting the Christian Left, by authors such as Ron Sider and Jim Wallis. I was strongly influenced by these authors and their radicalism; like many others who became evangelical Christians in the 1970's, I was in many ways a "Christian hippy." But at the same time I was very influenced by

Francis Schaeffer, who rallied evangelicals to the pro-life cause. Both the Christian Left and rightists like Schaeffer drew on Abraham Kuyper and his vision of changing of the world for good. This influence was further strengthened by authors like Tony Campolo, whom I encountered while I was a grad student at the University of Illinois at Urbana-Champaign; Campolo gave keynote addresses at the Intervarsity-sponsored Urbana missions conferences attended by around 20,000 students, which I attended and worked for as a volunteer.

During that time in Urbana-Champaign, my wife and I became heavily involved in the pro-life movement. Eventually, my wife became the president of the local Birthright organization, and I became a member of its board; I spoke on local television and we both gave public talks and led rallies. We would not have called ourselves rightists at the time; to us, our pro-life involvement was more in line with the radical protests of the 1960's, in speaking out to defend the defenseless. Many of the other evangelicals and Catholics we met in the pro-life movement at the time felt the same way. But through our involvement in the pro-life movement and theologically conservative churches, as well through our involvement in the homeschooling movement, we became friends with those who identified with the Christian right. Many of them were reading theonomy literature by authors such as Rushdoony and Bahnsen, and I read these authors as well. The great appeal of the theonomists, it seemed to me, was that they were thinking through issues of law and government from scratch from a purely Christian perspective, instead of just tinkering with existing secular paradigms. I never could buy into the theonomist view, for the reasons discussed at the beginning of this book. It seemed to me, however, that other evangelicals were not adequately thinking through the political issues. On one hand, there were the theonomists, and on the other, the Christian leftist/socialists like Sider, Wallis, and Ellul, who also wrote extensively about political theory, but there were no other well-developed political theories coming from an evangelical perspective. Instead, evangelicals seemed to react to one issue or another. Later, in the 1990's, I encountered the *National Review* type of Catholic conservatism, which had much well thought-out political theory based on hundreds of years of Catholic legal thinking, but did not speak well to the evangelical perspective. In recent years, David French has begun to represent evangelicalism at National Review. Marvin Olaksy, the editor of *World* magazine, came the closest to an evangelical rethinking of government, with his books *Compassionate Conservatism* (which had great influence on President George W.

Bush) and *The Tragedy of American Compassion*, but did not address the root principles to the same degree that I had seen by non-evangelicals.

This led me to do a lot of reading on the foundations of political theory; the old classics coming out of the Reformation such as Locke, Knox, etc. At the same time, during the 1990's, I was studying theology and eventually became an ordained elder in the Presbyterian Church in America (PCA) and a licensed preacher (in the PCA, a licensed lay preacher must pass the same exams as an ordained pastor in the areas of theology, Bible knowledge, denominational polity, and sermon exegesis, but is exempted from exams on Greek and Hebrew, sacraments, and church history). My theological and biblical studies led me to look at Scripture thematically and coherently. One result of these studies was an earlier book, *A Biblical Case for an Old Earth*, published by Baker Books, in which I examined many of the themes of the Bible in regard to the young-earth creationism debate; although that book dealt with science, it was far more a study in biblical theology.

Since then, in the past ten years, I initiated a church-planting team to start a new PCA church in the university area of Pittsburgh. That church has blossomed wonderfully under the leadership of Matt Koerber, and as part of that church, I have again and again encountered young Christians who are dealing with how to relate to politics. Many of the younger generation of Christians have reacted against what they perceive as the overly right-wing political involvement of the last generation, but are also not sold on being leftists; most of them are somewhat cynical about politics altogether. In some ways this has had a good effect, as they have turned to building the local community of the church, but in other ways is not healthy, as I see them largely influenced by whatever the most recent thing is that they have seen on the internet or late-night comedy. This book is in many ways addressed to that younger generation of Christians whom I have rubbed shoulders with.

Chapter 1

Introduction

1.1 The Problem Today

The past three decades have seen a tremendous involvement of “evangelical,” “fundamentalist,” or “biblical” Christians in politics. They have become so influential that some people list them as Enemy Number One: the evil Christian Right. Bible-based Christians have by no means all worked for the same goals or pursued the same master plan, however. In one camp lie the born-again Jimmy Carter, Tony Campolo, and the leftist Sojourners organization, with a strong emphasis on governmental and social programs for the poor. In another camp are evangelical Catholics who have participated equally in non-violent protests against abortion, such as Operation Rescue and the Lambs of Christ, and in protests against the death penalty, nuclear energy and wars in Central America and Iraq. Another camp, including Jerry Falwell’s Moral Majority and groups led by Gary Bauer, has supported Presidents Reagan and Bush and has taken a strategy of entering and gaining real political power in the Republican Party. Another camp, the reconstructionists and theonomists, such as Gary North, has proposed instituting the entire Old Testament code of law and reject any compromise with existing institutions such as the Republican Party. Other Christians, such as Hal Lindsey, have strongly opposed the reconstructionists as the tools of Satan and promote American democracy as the Christian’s cause.

Amid all this revived concern about government (for it is a revived movement, not a new movement, with Christian activism as old as Christianity), others have begun to ask publicly just what Christians stand for and what

their goals are. The most serious of evil conspiracies have been ascribed to Christians, most notably by “pro-choice” organizations such as Planned Parenthood, which has placed advertisements in major newspapers claiming that pro-life organizations are run by men who want to control (or who hate) women. Many liberals seriously believe in and propagate the view of a vast, unseen conspiracy of fundamentalists ready to take over the government and enact tyrannical laws. The book and movie *The Handmaid’s Tale*¹ shows the vision many have of what Christian rule would be like. Such views are reinforced by the occasional appearance of media figures who seem to fit the bill, such as ex-Klan member David Duke or Fred Phelps of the Westboro Baptist church.

In reality, the “biblical” Christian community is fractured politically and has no common ideology of government nor any universally accepted political leaders. Yet some common philosophies do underlie the new activism. Both leftist and rightist Christians look to the philosophy of the late Francis Schaeffer and his forebear Abraham Kuyper for support of their view that Christianity can not be merely other-worldly, that Christians have a calling to help people in this world and the shape of societal structures makes a difference for evangelism with eternity in view. The idea of a Christian “city on a hill” completely divorced from the rest of society is all but dead among Christians. Evangelical Christians also agree that an absolute standard exists by which to judge societies, the revealed Word of God in the Bible. Although visions for how to apply the Bible vary, the consensus nevertheless exists that morality can not arise merely from the opinions of the majority, since whole societies can become evil.

The potential therefore exists for a much greater unity among Christians in their political purposes. The Christian involvement in politics has mostly consisted of various concerted efforts on single issues. A person responds to a mailing from a Christian organization about abortion, or about pornography, or about hunger in Africa, homelessness in the inner city, etc. Because of this, many opposing groups have accused Christians of narrow vision (e.g. a concern about the unborn baby but not a concern about the poor baby) without recognizing that most Christians support a number of these various causes. Alternatively, some see the Christian political movement as primarily a yearning for the mythical virtues of the past, the “golden age” of America. The name of the “Coalition for Traditional Values” lends support to this

¹M. Atwood, *The Handmaid’s Tale*, (McClelland & Stewart, 1985).

view. Do we just want the old America back? Can we create a distinctly Christian vision for government, a “blueprint for a just society”? Just what do we want society to look like, after all?

The non-Christian has a right to ask the Christian for a total world view, a view of the Christian “Utopia.” We may never achieve such a vision, but without a complete vision, we must continue to attack single issues haphazardly and risk working against each other. When the whole vision is put together, perhaps it will not seem so threatening to the non-Christian. Or perhaps it will seem even more terrible, but at least we will be honest.

This book is meant to start the discussion over that blueprint. Perhaps naively, I feel that much greater consensus is possible, even if complete consensus on all these things is not.

1.2 The Method of Christian Argumentation. The Role of the Old Testament Law

Before going further, I must discuss how and on what basis I plan to argue. This whole book is meant to describe what *Christians* ought to view as a just society. For Christians the source of the definition of justice is the Bible. The essence of the Christian world view is that we are not left alone to deduce all the important things of life, that God has intervened in world history at certain times and places to show us what is right and good, and that the record of that intervention is the Bible.

There is widespread confusion about how Christians use the Bible, however. Some would say that “anyone can prove anything” from the Bible, while others castigate Christians for uneducated “literalism” in drawing conclusions from the Bible. While it is true that many different schools of interpretation of the Bible exist within Christianity, the above characterizations ignore the existence of the very broad-based, relatively unified school of biblical interpretation that dominates modern evangelicalism, with very good scholarship, represented by seminaries such as Westminster Theological Seminary in Philadelphia (Presbyterian), Trinity Evangelical Divinity School in Chicago (Evangelical Free), and Gordon-Conwell seminary in Boston, and authors such as John MacArthur (Baptist), R.C. Sproul (Presbyterian), Gleason Archer (Evangelical Free), and F.F. Bruce and J.I. Packer (Anglican); Roman Catholics such as Malcolm Muggeridge and Peter Kreeft have also ad-

hered to essentially the same view. In general there are hundreds of schools and foundations that have a unified view of the Bible that can be called evangelical. This dominant view holds that the Bible can be interpreted objectively, with implications that apply universally to all people, when it is carefully interpreted according to the rule of “original meaning.” In this view, the words of the texts take their meaning from the contemporary cultural context in which they were spoken, and that cultural context can be discovered, adequately if not perfectly, from both the Bible context itself and from extra-biblical sources. Once this context is understood, the Bible is understandable and applicable to the modern world on the whole; it teaches truth. Of course, there is often debate about what the original meaning of a given passage of Scripture was, but overall this approach leads to substantial agreement among evangelicals on most parts of the Bible. Not all of the Bible is taken “literally,” since some passages were intended as poetry, analogy, etc., but all of the Bible is taken seriously. The debate about “inerrancy” (the idea that there were no errors at all in the original writings, even though we cannot ever completely recover those documents) is a secondary, though important, question, because there is no question that for all evangelical Christians the Bible is *the* charter document for both personal and public ethics.

Since this book is about law, the question immediately arises of how to view the Old Testament Law, also known as the Law of Moses, or just the Law. Even the mention of God’s Law raises hackles in many quarters.

In this regard, I can break down evangelical Christian approaches to the Law into two broad categories. One approach finds its roots in the Reformed churches of Europe, which came to America and eventually diffused into Baptist churches and non-denominational churches of many types. The other approach has its roots in the Anabaptist and Brethren churches that arose around the same time as the Reformation, but with a radically different approach to the Old Testament. For an overview of these two movements and their histories, see Appendix A.

The “Reformed” approach to the Old Testament. In the Reformed tradition, the entire Old Testament is viewed as “covenant document” made between God and the nation of Israel.² A “covenant” is a pact of union, joining two parties; in the case of the Old Testament, the covenant unites God and the people of Israel. Christians following the teaching of the New

²See, e.g., M. Kline, *The Structure of Biblical Authority*, (Wipf & Stock, 1997).

Testament believe that this entire covenant is replaced for all people by the “New Covenant” founded in Jesus. Thus Christians do not teach that they or anyone else should live “under Moses.”

Nevertheless, in the Reformed tradition, the Old Testament is a good thing. The imaginary society set up by the Law (it is imaginary since Israel never completely followed all of the Law) is the prime example, the “paradigm,” in the language of theologian Christopher Wright,³ of God’s definition of a just society. While times change, we can learn about God’s view of a just society by looking at how the societal pattern laid down by Moses would have worked at that time, just as we can learn about an upright personal life by looking at the life of Jesus. It is natural, and not impossible, to apply Jesus’ example to today. For example, one can easily understand that imitating Jesus in our day does not require wearing sandals, but nevertheless one can say that a follower of Jesus today would do something equivalent to foot washing. It is similarly natural to extend the paradigm of the Law of Moses to today without restricting it to oxen and sheep. We can find principles of justice that can be generalized to include situations today.

Saying that the society of Moses is a paradigm of justice is not the same as saying that it is a utopia. Neither of the paradigm of Jesus as the ideal individual nor the paradigm of the society of Moses’ laws as the ideal society in the ancient world requires a perfect world full of people who never sin. Both the Law of Moses and the life of Jesus deal not only with the positive aspects of life, but the negative aspects of how to react to a world with real evil.

Regarding the specific laws, many commentators (starting with St. Augustine and continuing in particular in the Reformed churches) have divided the law into three categories in regard to believers today.⁴ Such a distinction would not have been apparent to citizens of Israel, since the Law was for them a seamless garment, but since the advent of Christ, our understanding of the laws of Moses has changed radically.

The first category of laws can be called “sacrificial” law. The Bible makes it clear that to approach God, a real, physical blood sacrifice is necessary. The basis of the New Covenant is that Jesus made this sacrifice once and for all, for all people. All of the sacrificial laws of the Old Testament are

³C.J.H. Wright, *An Eye for an Eye*, (Intervarsity Press, 1983).

⁴E.g., the Westminster Confession of Faith (1646), Section 19. For commentary, see G.I. Williamson, *The Westminster Confession*, (P & R Publishing, 1964).

therefore “fulfilled” for both Gentiles and Jews. To follow them now would actually be evil, since it would constitute a denial of the sufficiency of Christ’s sacrifice.

The second category may be called “nation-specific” law, or “covenant-specific” law, also known as the “civil law,” which was specifically not universal. This civil law set Israel apart as physical nation, different from other nations. While it would not necessarily be bad to practice these (e.g., laws of setting up courts), the New Testament, especially in Paul’s writings, clearly teaches that it would be evil to *require* obedience to these laws, since they are signs of submission to the Old Covenant and we have another covenant. Although the idea of “separateness,” the teaching that people who claim to follow God should be different from other people, is embraced in the New Testament, in the New Covenant this separateness is symbolized by relatively few signs (which most Protestant churches take as baptism and communion).

The final category is the universal, “moral” law, the things God hates intrinsically. As such, this type of law is a rule for all people, the things that everybody should know in his or her own heart to be right and wrong. Such values come not from our personal choice but from the way God has made us. The New Testament clearly teaches that the Church must not allow its members to continue to practice moral evils.

Reformed Christians have not universally agreed on the exact breakdown of which Old Testament laws fall into which category, however. The mainstream approach in Reformed thinking is to equate the Ten Commandments with the universal moral law;⁵ this has a long history in US culture, as attested by the plaques of the Ten Commandments posted on many government law buildings. The Ten Commandments clearly do play an important role in Scripture, as a summary of the laws of God.⁶ In general, in the New Testament, the types of things mentioned as obviously evil always line up with things forbidden in the Ten Commandments of Moses. Much of the “case law,” i.e., the detailed regulations of specific cases in the books of Moses, is clearly an outworking of the implications of the Ten Commandments. A large number of evangelical Christians today, however, hold that the Sabbath law (the fourth commandment) is not a universal moral law, based on statements by Paul such as Colossians 2:16, “Therefore let no one pass judgment on you

⁵E.g., Westminster Confession of Faith (1646), *op. cit.*

⁶E.g., Deuteronomy 4:13, Romans 13:9.

in questions of food and drink, or with regard to a festival or a new moon or a Sabbath.” The majority view throughout Christian history, however, has been to view the Sabbath (rest and worship one day a week) as a moral principle, made for the good of mankind, as Jesus said,⁷ and to take these statements of Paul as referring to legalistic restrictions on Sabbath activity and not regarding the general principle of a day of rest, which actually has significant implications for labor law, as discussed in Chapter 6.

Some have argued, however, that restricting the moral law to the Ten Commandments artificially narrows the scope of the moral law in the Law of Moses. As mentioned above, the Law was in general a seamless garment for the people of Israel, and much of the case law (for example, what punishments to mete out for certain moral crimes) has a moral aspect. “Theonomists” within the Reformed tradition take the view that every law not expressly altered in the New Testament can be taken as binding moral law.⁸ This view is effectively a rejection of the category of nation-specific civil law discussed above. This has the virtue of simplicity, but it ties the church to the details of the Law of Moses in a way that the New Testament seems to clearly reject. The New Testament writers never argue that people should obey each of the laws of Moses unless they receive a specific countermand. Rather, the New Testament writers argue that a focus on the details of the covenantal laws of Israel misses the point; we have a new covenant now. Therefore the writers of the New Testament can say that all the laws of the covenant of Moses are “abolished” as “obsolete.”⁹ These New Testament passages may sound as though they contradict the words of Jesus, who said, “Do not think that

⁷Mark 2:27.

⁸The modern founder of theonomy is widely considered to be R. Rushdooney, especially his *Institutes of Biblical Law*, (P&R Publishing, 1980).

⁹“For he himself is our peace, who has made us both one and has broken down in his flesh the dividing wall of hostility by abolishing the law of commandments expressed in ordinances” (Ephesians 2:14-15); “Now before faith came, we were held captive under the law, imprisoned until the coming faith would be revealed. So then, the law was our guardian until Christ came, in order that we might be justified by faith. But now that faith has come, we are no longer under a guardian;” (Galatians 3:23-25); “In speaking of a new covenant, he makes the first one obsolete” (Hebrews 8:13); “For when there is a change in the priesthood, there is necessarily a change in the law as well” (Hebrews 7:12); “But now we are released from the law, having died to that which held us captive, so that we serve in the new way of the Spirit and not in the old way of the written code” (Romans 6:7).

I have come to abolish the Law or the Prophets,”¹⁰ but Jesus did not stop there; he added, “I have not come to abolish them but to fulfill them. For truly, I say to you, until heaven and earth pass away, not an iota, not a dot, will pass from the Law until all is accomplished.”¹¹ The standard Reformed understanding is that the New Covenant builds on the the prior covenant of Moses and other prior covenants such as the the covenants of Abraham and Noah. As such, the New Covenant “fulfills” or “accomplishes” the prior covenants in the same way that the covenant of Moses built on the covenant of Abraham. The traditional Reformed breakdown of sacrificial, civil, and moral law categories is an attempt to take seriously Jesus’s statement that we should never “relax” or “annul” any of the laws of Moses.¹² We learn about the significance of the sacrifice of Christ in the sacrificial law, we learn a paradigm for a just society in the civil law, and we learn principles of the universal moral law in the specific cases of moral imperatives that God gave to Moses. But we do not view *any* of the laws as “our” covenant. Rather, the Old Testament is the “preamble” of our covenant document, which is the whole Bible.¹³

In the New Testament, there is still a strong emphasis on obeying God’s moral laws, but this morality is not tied to Christians obeying the Law of Moses specifically. Rather, the moral law is seen as a transcendent category that is “obvious” or “evident” to all who have a conscience.¹⁴ There is great value in studying the Law of the Moses,¹⁵ but it does not define the moral law, rather it gives a specific instantiation of the universal moral law of God in the society of Israel. That society is no longer the defining society for Christians; rather, a new society has been created.¹⁶

¹⁰Matthew 5:17.

¹¹Matthew 5:17-18.

¹²Matthew 5:19.

¹³As discussed, e.g., by Meredith Kline and other Reformed authors, ancient covenants all had a preamble declaring the history of the parties involved. The first 11 chapters of the book of Genesis are the preamble to the covenant of Abraham, the book of Genesis is the preamble to the covenant of Moses, and the five books of Moses are the preamble to the whole Old Testament.

¹⁴Galatians 5:19.

¹⁵“But the one who looks into the perfect law, the law of liberty, and perseveres, being no hearer who forgets but a doer who acts, he will be blessed in his doing,” (James 2:25); “If it had not been for the law, I would not have known sin,” (Romans 7:7); “All Scripture [i.e., the Old Testament] is breathed out by God and profitable for teaching, for reproof, for correction, and for training in righteousness,” (2 Timothy 3:16).

¹⁶“But now in Christ Jesus you who once were far off have been brought near by the

The Anabaptist approach to the Old Testament. The second major approach to legal and government issues in Scripture, which stands strongly against the Reformed approach discussed above, can generally be called the Anabaptist and Quaker tradition. This view has had great influence far in excess of the numbers of people actually in these churches. This view can be summarized as “Sermon-on-the-Mount-centered.” According to this view, in the Sermon on the Mount, Jesus sweeps away the Law of Moses entirely. In the Reformed approach, while there is a radical change with the New Covenant, the Law of Moses still provides precedent and paradigm for governments today, even though it is not a binding covenantal law. In particular, the whole notion of government enforcing law and defending its citizens is a continuing precedent. In the Anabaptist view, the Reformed view does not make nearly as comprehensive a change as Jesus wanted. The key passage in the Sermon on the Mount for this tradition is Matthew 5:38-44, where Jesus says,

“You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you, Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also. And if anyone would sue you and take your tunic, let him have your cloak as well. And if anyone forces you to go one mile, go with him two miles. Give to the one who begs from you, and do not refuse the one who would borrow from you. You have heard that it was said, ‘You shall love your neighbor and hate your enemy.’ But I say to you, Love your enemies and pray for those who persecute you.”

This is taken as a broad rejection of the entire judicial paradigm of the Old Testament. Christians are not to “resist evil” or use force to defend against enemies, in contrast to the specific commands to believers in the Law of Moses to set up a government with courts and punishments and the power to wage war, specifically for the purpose of resisting evil.

I believe that this school of thought is in error, and in this book I will work from the Reformed approach. But it is a mark of the impact of the Anabaptist

blood of Christ. For he himself is our peace,...that he might create in himself one new man in place of the two.... You are fellow citizens with the saints and members of the household of God, built on the foundation of the apostles and prophets, Christ Jesus himself being the cornerstone, in whom the whole structure, being joined together, grows into a holy temple in the Lord.” (Ephesians 2:13-21).

school that in many quarters of intellectual discussion in the U.S., it is the only Christian view taken seriously. As discussed in Appendix A, from the second half of the 19th century to the late twentieth century, the Anabaptist (a.k.a. the “Christian left”) view was the overwhelmingly dominant view, and it still dominates what may be called “academic” world in the U.S.

The degree to which this view has been dominant is seen in how intellectual debate proceeded after World War II, which most Americans viewed as justified. To justify participating in that war was not easy for someone working from a standpoint that Christians cannot seek to oppose evil by use of force. The gap was bridged by Reinhold Niebuhr in his concept of “Christian realism.”¹⁷ This view treats the words of Jesus in the Sermon on the Mount as an ideal that we often cannot reach. Essentially, although we might embrace the standard of Jesus in an ideal world, we must bow to pragmatism in the real world and allow for some degree of use of force.

Thus, in practice in the present day, there are several versions of what might be called pacifism, each of which allows a different level of the use of force:

- “Absolute” pacifism: Christians may not legitimately participate in armies or police forces or government jobs that direct such agencies, nor may they participate in any activity that legitimizes such institutions (such as voting).
- “Submissive” pacifism: Christians may not legitimately participate in armies or police forces or government jobs that direct such agencies, but they may vote for leaders who direct those agencies, as a lesser of evils.
- “Military” pacifism: Christians may participate in local police forces or government agencies that direct them, but may never be soldiers in any army.
- “Defensive” pacifism: Christians may only participate in defensive wars, not in wars of “rescue” (see Section 4.3.1) or aggression.

In each case except for absolute pacifism, an ethical compromise is made, to be realistic about the “real world.”

¹⁷R. Niebuhr, *Christian Realism and Political Problems*, (Scribner, 1953).

Niebuhr's views became the dominant approach to the ethics of use of force by government by many Christians, to the point that many will assume that my book is a variation of the same approach. But as we will see, I am not arguing for any use of force as a pragmatic compromise. I will argue that police and military activities can be, from a biblical perspective, heroic and noble, and the failure to embrace these can be reprehensible.

My argument goes back to the starting point of the Anabaptist approach. I will discuss their view at length in Chapter 2 in regard to the general question of the legitimacy of government and Christian participation in it, and Appendix B addresses the hermeneutics (that is, their overall approach to Scripture) of this school of thought in depth. Here I give a brief summary.

In general, it is a dangerous approach to Scripture to build a case for anything on the basis of just one verse. Jesus's words in the Sermon on the Mount are powerful and cannot be ignored, but like any passage in Scripture, must be taken in their full context. There are significant other New Testament texts that clearly must influence our reading. One is Jesus's own introduction at the beginning of his Sermon on the Mount, in which he says, as noted above, "Do not think that I have come to abolish the Law or the Prophets...whoever relaxes one of the least of these commandments and teaches others to do the same will be called least in the kingdom of heaven."¹⁸ Reformed Christian commentators and many others have recognized a change of covenant that involves a transformation of the law, so that the details of the laws of Moses can be seen as "fulfilled." But it is hard to go from that to a full-scale repudiation, not just of the details, but of the whole moral structure of the Law of Moses, given the affirmation Jesus makes. The Old Testament is full of moral imperatives to engage in good government.

Other statements of Jesus seem to affirm the use of force specifically, including his affirmation of the death penalty,¹⁹ his command to buy swords,²⁰ and his own personal use of violence to chase moneychangers out of the Temple.²¹ Each of these can be "explained away," but they still form an

¹⁸Matthew 5:17.

¹⁹"For Moses said, 'Honor your father and your mother;' and 'Whoever reviles father or mother must surely die'" (Mark 7:10).

²⁰"And let the one who has no sword sell his cloak and buy one" (Luke 22:36).

²¹John 2:15. Some commentators take this verse as saying that Jesus whipped only the sheep and oxen, but the text says that he drove "all" from the Temple, and the KJV and ESV translate this as saying that he drove "them all," that is, people as well as sheep and oxen.

important context for understanding Jesus.

In addition, later passages in the New Testament give a specific warrant for government. In Romans 13, Paul says that government is “established by God” for the purpose of “doing good.” Anabaptist commentators generally have taken this passage as saying that Christians should submit to non-Christian government, not that they should join government forces themselves. But Paul does not merely tell Christians to submit to government in this passage. He clearly calls government a good thing; the person in the government is “a servant of God for your good.” The Apostle Peter spoke the same way.²²

If Jesus did not mean to overturn the Old Testament view of government as good, what did he mean when he said “Do not resist the evil one?” Looking at the Sermon on the Mount in its entirety, one can not miss the highly *personal* emphasis of the Sermon on the Mount. In verse after verse, Jesus denounces the pharisaical practice of hiding behind the letter of the law to justify personal sins. Thus, the letter of the law of adultery is kept while the heart lusts. The legal oath is kept while the person’s word is untrustworthy. And the letter of the law of justice, “An eye for an eye and a tooth for a tooth,” which was given to restrict the maximum punishment given by courts to equal damages, is kept by a person seeking revenge with no thought of generosity or mercy.

In Chapter 2, I will present a positive case for the legitimacy of Christian participation in government. At this point, I simply note that the Anabaptist view, including its pragmatic variants supported by Niebuhr, is not the only Christian view, and the longstanding Reformed tradition provides a comprehensive view of the law of the Old Testament often neglected in our day.

The role of conscience. One place where there is room for common ground between the Reformed and Anabaptist approaches is in the role of conscience. The Anabaptist and Quaker tradition has long focused on being “Spirit led,” but far too much Reformed writing on government has focused on the “letter of the law,” and fails to take into account the central role of *conscience* in the New Testament. To argue for upholding certain laws, without explicitly addressing *why* in terms of universal issues of justice, is to deny the central role of conscience in knowing the moral law for all who are

²²Peter says in 1 Peter 2:14 that governors are “sent by [God] to punish those who do evil and to praise those who do good,” and that we should “honor” the emperor.

awakened by the Holy Spirit in the New Covenant era.²³

The Bible clearly teaches that not only Christians have a conscience; all people everywhere have the moral written on their hearts to some degree.²⁴ This is the basis of dialogue of Christians with non-Christians on good government. Since the Christian believes that the moral law is universally perceived in the conscience, it is appropriate to argue for the intrinsic justice of various moral principles without direct reference to the Bible. Nevertheless, the Bible serves as a necessary corrective. All of us tend to alter our definition of right and wrong to justify our own actions. If we deduce by ourselves that something is good that the Bible says is unequivocally evil, or that something is evil that the Bible unequivocally calls good, then we must step back and examine ourselves and our own biases. This does not mean quibbling over details of the Mosaic law. Clearly, there are sufficient issues today that demand attention to what Jesus calls “the weightier matters of the Law: justice, mercy, and faithfulness.”²⁵

The Christian therefore is in the position of believing that God has revealed wisdom to us about what is good for our society, but speaking to people in society who do not believe in that revelation and arguing that the unbeliever’s own internal sense of justice should affirm the wisdom of these teachings. The Bible should awaken this moral sense in those who lack it, not simply be quoted as an arbitrary standard. In fact, the Christian can go one step further, to use this universal sense of justice as an apologetic for the Bible, showing people the beauty of God’s wisdom as displayed in the justice of the Law. We often seem to assume that all people who do not believe in the Bible will react strongly against the Law, but all people have a sense of justice, and the Bible speaks to that sense. We should therefore not simply argue, “It should be the law because the Bible says so.” We can argue that

²³“For the letter kills, but the Spirit gives life. Now if the ministry of death, carved in letters on stone, came with such glory that the Israelites could not gaze at Moses face because of its glory...will not the ministry of the Spirit have even more glory?” (2 Corinthians 3:6-7); “For if that first covenant had been faultless, there would have been no occasion to look for a second. For he finds fault with them when he says: ‘Behold, the days are coming, declares the Lord, when I will establish a new covenant with the house of Israel and with the house of Judah, not like the covenant that I made with their fathers.... For this is the covenant that I will make with the house of Israel after those days, declares the Lord: I will put my laws into their minds, and write them on their hearts.’” (Hebrews 8:7-10).

²⁴Romans 2:14-15.

²⁵Matthew 23:23.

the Bible's moral law *makes sense*. This especially true in the New Testament era, because we appeal to the conscience, not only the written letter of the Law.

In this book, then, I will appeal both to Scripture and to reason to argue that certain things are universal moral absolutes. The existence of universal moral absolutes is the basis for Christians saying “you ought” and “you ought not” to non-Christians. We find these principles in the Bible, but we do not believe they are only to be found in the Bible. We look to the Bible to stir our conscience and to gain wisdom about difficult situations, not to learn moral principles that no one could ever have imagined. Even evil societies that reject the moral principles of the Bible on one point or another (and there have been many, from societies that sacrifice infants to societies that embrace lying, stealing, or adultery in the form of “mistresses”) can be brought to see the error of their ways if their consciences are revived.

General principles. In the rest of this book, I will argue according to the following principles, which are informed by the general Reformed approach to the Old Testament as well as the focus in the New Testament that much is, in fact, new:

- The fundamental duty of government is justice (defining justice will be a major goal of this book.)
- Justice is an intrinsic concept to all people, both to Christians, who have God's laws on their hearts as part of their covenantal relationship with God,²⁶ as well as unbelievers, who “by nature do what the law requires... while their conscience also bears witness, and their conflicting thoughts accuse or even excuse them.”²⁷
- The fundamental moral basis of any law, then, is a demonstration of its justice according to that universal sense.
- Because of the deceitfulness of our hearts,²⁸ however, a necessary corrective to our sense of justice is God's revealed word in the Bible. Law should be informed by explicit reference to the Bible as the record of

²⁶Hebrews 8:10.

²⁷Romans 2:14-15.

²⁸Jeremiah 17:9.

God's demonstration of his justice to all mankind. Without the corrective of the Bible, societies can go far astray in injustice as people convince themselves they are justified in their evil.

- It is incumbent on Christians, however, to persuasively show all people how the principles of law in the Bible are just, and not just to base laws on mere quotation, that “the Bible says.” To do so is to besmirch the justice of God, to act as though his laws are arbitrary.
- Both the Old Testament and New Testament contain enduring, universal, moral principles of law. The Old Testament law code of Moses should be taken as an example of what would have been a just society in the day of Moses. We should not try to map each law of that code to our present day, but instead ask for each law what role it played in its day to fulfill the enduring principles that God teaches in the entire code. Some parts of the law of Moses are sacrificial or covenantal elements that have been fulfilled in Christ, but enduring moral principles of justice flow throughout the whole.
- An explicit commitment to the Bible, and a national commitment to God himself, does not make a society intolerant, because God himself is gracious and longsuffering and commands that those who follow him give justice to those outside the community of faith, without partiality.²⁹ Consensus of Christians and others on law is possible because God's justice is not alien to nonbelievers, but is written on all our hearts.

Law and Gospel. This is a book about laws, which is to say, things that ought to be and things that ought not to be. The entire message to non-Christians does not consist of oughts and ought-nots, however. The “Gospel” is the message of what we can do when we have done what we ought not to have done. That message is adequately presented elsewhere by numerous authors such as Michael Horton and John Piper in this century and classic authors such as Charles Spurgeon, Charles Wesley, Jonathan Edwards, Calvin, etc. in the past. But part of the message of Christians to the world is just what right and wrong are, and in this book we will focus on that. To some degree, this can aid the preaching of the Gospel. If people

²⁹Exodus 22:21; Leviticus 24:22; Numbers 15:15-16; Deuteronomy 10:18-19.

think that Christians stand for a horrible political ideology, they probably will not listen to what Christians stand for on other topics.

Part I

Basis and Structure

Chapter 2

The Basis for Christian Participation in Government

2.1 Is Government Legitimate?

The first question for the Christian is whether even to support the idea of government at all. This is not the same as asking whether Christians should submit to existing governmental structures. All Christians who take the Bible seriously agree that they should be good citizens as much as possible, not rebels, even under evil governments. Jesus, Peter, and Paul commanded Christians to pay taxes and to obey Rome in all things as long as doing so did not require breaking the direct commands of God.¹ In the Old Testament, Jeremiah told Israelites to submit to Babylon.² Both Rome and Babylon persecuted believers and promoted idolatry, yet the Bible commanded Christians not to rebel against them.

The primary question is therefore not whether Christians should submit to governments, since clearly they should, at least in normal situations, but rather, whether Christians should become part of the government—should they become judges, police, soldiers, and politicians? Is government merely a “necessary evil” to which Christians may submit, as to a beating, but may never promote and abet, or is government a good tool for doing good? Can it be a Christian “calling” to become a government official or police officer?

Before addressing this question, we must first define what we mean by

¹Matthew 22:21; Romans 13:1; 2 Peter 2:13-14.

²Jeremiah 29:4-7.

government. In this book, I use the definition of government as *that element of a society which may legitimately use force, including deadly force, for the purpose of justice.*

This definition is not universally accepted. Many who consider themselves progressive or pacifist would define government in terms of societal consensus—the rulers in the government enact what they believe is the societal consensus, and people in the society go along with these rules by mutual agreement, not by force. This sounds appealing, as a community acting together in unison, but a little thought shows that it is an unworkable definition. One need only ask what is to be done about a person who does not agree with this consensus. If every person is free to ignore the rules (e.g., to kill, steal or maim as they see fit, with no consequences), then there really is no government at all, but anarchy. If we move up one step to say that there are consequences, but those consequences include only fines, then a person may refuse to pay, leading to essentially the same scenario of people ignoring the rules. If we say that the money for the fine will be confiscated against the person's will, then force has been used, and we are back to the definition of government as legitimate use of force. Furthermore, a person who is fined may pay the fine and still continue do violence to others. Although there may be a societal consensus that the person is in the wrong, the society's actions will be effectively dominated by the violent person who does not buy in to the consensus (see Section 2.4 below).

People who advocate the consensus view of government are often distressed by the notion of outlier members of society as described above, who don't play by the rules of the consensus. They dream of a society where there is 100% consensus, by proper education of all people. But once again, we must ask how that education comes about. What if some parents don't want their children educated according to these rules? Either they will be allowed to teach something different, in which case consensus breaks down, or force will be used to make the children go to school to receive the proper government dogma, in which case once again we are back to approving the use of force.

In practice, the mechanisms used to achieve consensus can begin to look a lot like oppression. As C.S. Lewis discussed in his famous essay, "The Humanitarian Theory of Punishment,"³ punishments intrinsically are debts

³C. S. Lewis, "The Humanitarian Theory of Punishment," *The Twentieth Century: an Australian Quarterly Review*, Vol. III, No. 3. Reprinted in C. S. Lewis, *God in the Dock*,

that can be paid, but in a system with no punishments, it is the person not the deed that is wrong, that is, wrong-thinking, and who must be corrected. This process of correction has no clear end date—it lasts until the person gives evidence of having correct views. It can therefore end up being more oppressive than a straightforward punishment. All manner of psychological pressure must be brought to bear, such as public shaming, a culture of scolding, counseling and psychiatric treatment for problematic people, state control of all education and media, etc.

One of the anomalies of the present political scene is that those who nominally reject the use of force often are also those who are most willing to expand the power of government. As discussed in Appendix A, one reason for this comes from the historical roots of this movement which sees all government as an outside occupying force, toward which we may direct no end of requests. But another rationale comes from the above view of the ideal government as operating purely by consensus. For those coming from this perspective, adding new regulations can come to be seen not as a use of force but rather as additions to the community consensus (though, of course, in a society without consensus, as ours is, their enforcement certainly does require force).

Rather than rejecting my definition of government as the legitimate use of force, some accept my definition of government, and reject the notion of government altogether. This is known as anarchism.⁴ As discussed in Section 1.2, one school of Christian thought in says that earthly government is never legitimate, and at best can be a pragmatic compromise. Jacques Ellul, who has had increasing impact in evangelical circles with what may be called “Christian anarchism,” has argued that all authority is Satanic in origin and that the Christian may never take up the role of authority.⁵

W. Hooper, ed. (Eerdmans, Grand Rapids, 1970).

⁴Some people calling themselves anarchists actually mean that they support only local government, i.e., a network of independent, very small nations the size of villages, in what may be better called “extreme federalism” or “micro-nationalism.” Others calling themselves anarchist mean that they want to destroy the present system, so that a more perfect government can arise somehow from the ashes. Neither of these are anarchist in the sense I use here, since they favor some form of government.

⁵J. Ellul, *Anarchy and Christianity*, (Wipf and Stock, 2011). Ellul argues that when Jesus said “You would have no authority over me at all unless it had been given you from above,” (John 19:11), the “above” refers to Satan and his “kingdom of the air.” This is a highly nontraditional reading; the large majority of commentators see the “above” as referring to God, who sets up governments; Jesus claims that he himself comes from

The key Bible passage for Ellul, as for Anabaptists and various movements of pacifists throughout history, is Jesus's command in the Sermon on the Mount, "Do not resist the evil one."⁶ This command is generalized to cover all of life, and since the stated purpose of Christian involvement in government is to stop evil by force, this is seen as a violation of Jesus's commandment.

I believe that Ellul and those who argue like him are wrong, deadly wrong. I believe that Christians are called to strive for good and just government at all times and all places, and that a lack of concern about governmental justice brings God's anger upon the church.

How do I respond to the arguments of Ellul and others of the same mindset? My primary argument will be a biblical one. I believe that they have egregiously misinterpreted Scripture. But before we delve into the Scriptures, we do well to look at the stakes involved. People may easily talk about passive resistance to evil, but if asked, "What would you do if a rapist was in your home and in the act of attacking your children?" every parent I know would respond by saying that he would try to stop the evil one. Even if a parent did not instantly jump to fight off the attacker, he or she would surely call the police. Yet merely refusing to do the dirty work oneself does not let one off the hook in regard to "resisting evil." To call the police is to exhibit the greatest approval of the role of force.

Can anyone seriously hold up as an example of virtue a parent who stands by passively while family members are raped or tortured? What if a person lived next door to a Nazi death camp? Could that person claim higher virtue in passivity than a neighbor who actively assisted the Allied governments, including the assassination of Germans, as the theologian Dietrich Bonhoeffer did? That famous Christian died in the Second World War not for his Christian witness, but for his role in an attempt to kill Hitler.

To argue in the extreme, even preaching, boycotts, sit-ins, and other "passive" protests are still ways of "resisting evil" and therefore by the same logic violate Jesus' command. Pro-life and anti-pornography groups have indeed seen their boycotts and protests called "forcing their will on others." If Jesus' command not to resist evil is truly all-encompassing, then nothing but complete inactivity in regard to evil will do. The use of physical force is usually singled out as the kind of resistance that Jesus forbids, but the approval of other kinds of resistance is nowhere apparent in Jesus's words

"above" (John 3:31, 8:23).

⁶Matthew 5:39.

in the Sermon on the Mount. In the past century we have also seen that boycotts have caused more suffering for nations such as Haiti and Iraq than “surgical” invasions have caused to places like Grenada, and that the words of some preachers have caused greater anguish among homosexuals than beatings have.

Because something in us rebels against pure inaction in the face of evil, many people who affirm pacifist philosophy admit that they have some tipping point at which they would indeed stand against evil; for example, they would defend their children if attacked. But in our modern discussion, this is typically viewed as a compromise, as a nod to worldly pragmatism, rather than an ideal. As discussed Section 1.2, Reinhold Niebuhr made this explicit in his philosophy of “Christian realism,” and pacifists like H.J. Yoder have primarily directed their arguments against his school of thought. Much of the modern debate is cast this way: the idealist who affirms pacifism versus the pragmatist who agrees that pacifism is the ideal but says we can’t live with it in the real world. In the pragmatic view, the perfectly righteous, truly passive state could only be attained by Jesus or a saint.⁷

If my arguments had the character of merely “explaining away” the statements of Jesus in the Sermon on the Mount, my view might still come across as driven by pragmatism. I must go further, then, to present a *positive* biblical case for legitimate government, counter to the apparently biblical argument based on the Sermon on the Mount. The rest of this section gives an overview of this positive argument.

The first and most obvious argument rests on the precedent of the Law of Moses. The Law of Moses manifestly gives a command to believers to set up and participate in government. As discussed in Section 1.2, Christian anarchists and pacifists see Jesus’s words in the Sermon on the Mount as sharply opposed to the Old Testament on this point. Some in the theologically liberal school of thought simply reject the Old Testament out of hand as inferior, while others who have a higher view of Scripture see it as a previous dispensation of God’s work that was good in its own day but which has no relevance to today, other than as a source for interesting analogies, e.g.,

⁷As discussed in Appendix B, Jesus openly, verbally resisted the evil of the Pharisees, and physically whipped salesmen in the Temple, so that this passive, Ghandi-like view of Jesus does not exactly fit the Gospel texts. See John 2:15. Some commentators take this verse as saying that Jesus whipped only the sheep and oxen, but the text says that he drove “all” from the Temple, and the KJV and ESV translate this as saying that he drove “them all,” that is, people as well as sheep and oxen. See Appendix B.

Joshua's war as an illustration of the Christian's individual struggle against sin. An alternate view is simply to have no coherent view of the Old Testament, e.g., Lilly's approach of "polyphony" in which a large number of texts in the Old Testament are simply unexplained.⁸

It is certainly possible to imagine that God could give commands to people in one age that he would not want others in later generations to follow. All Christians affirm that God does not want ritual circumcision and animal sacrifice as expressions of faith today. My argument, however, rests on the character of God. While he could give different commands at different times, he could never command people to do something that is *intrinsically* evil. Since he commanded believers to set up a government at one time, government can not be evil *per se*. It can not be inherently Satanic in origin, even if certain governments are Satanic.

Beyond the Law of Moses, we have the examples of believers like Daniel, Nehemiah, Esther and Mordecai who worked as rulers in the pagan empires after the captivity of Israel by Babylon. God commended these people for their deeds and used them in many great ways. Also, in the great prophetic passages enjoining the believer to social action, for example Isaiah 1, God commands rulers to stop judging unjustly and to defend the case of the widow and the oppressed. Does this not imply the existence of judges, and the use of force to compel the rich man to submit to the judgments of the court?

It seems to me, then, that the burden of proof rests on the anarchist Christian to provide a clear case from the New Testament that what was so strongly commanded and called good in the Old Testament is now wrong for the Christian. Can such a case be built in the basis of just one statement of Jesus in the Sermon on the Mount, especially in the light of the treatise by Paul in Romans 13, also in the New Testament, that government is "established by God" for the purpose of "doing good?"

As discussed in Section 1.2, the Sermon on the Mount has a central focus on our personal interactions, not on government. In Matthew 5:39, Jesus commands us not to seek our *own* revenge. Some will perhaps surprised to learn that the Law of Moses also forbids personal revenge.⁹ But the Bible does not forbid us to step in to rescue another person in trouble. Far to the contrary, it commands it.¹⁰

⁸I.E. Lilly, in *A Faith Not Worth Fighting For*, T. York and J.B. Barringer, eds. (Wipf and Stock, 2012).

⁹Leviticus 19:18.

¹⁰E.g., Psalm 82:3-4, Proverbs 24:11-12, and Isaiah 58:6.

This leads to my second positive argument. In general, the concept of *rescue from oppressors* is a dominant theme in the Bible, and is modeled by God himself in his rescue of Israel from Egypt and from other nations and in his final rescue of people through Christ. This theme of the heroism of rescuers, as opposed to the sinfulness of this seeking personal revenge, can be expressed as the following general principle regarding government:

A third party is almost always more just than one of the interested parties in a dispute. Therefore good government consists primarily of disinterested parties seeking to mediate for and rescue the oppressed, not parties working out revenge and redress for perceived crimes against themselves.

(2.1)

Whenever I think of sins against myself, I tend to magnify them much more than sins against others. If I allow myself to seek revenge for myself, I will become vindictive and self-centered. If I concentrate not on sins against myself, however, but rather on finding out how I can rescue others from oppression, not only will my own hurts seem less, but I will have a much more objective appraisal of whether sin occurred and how to rectify the situation.

Although I am forbidden from seeking my own personal revenge, there is no place in Scripture where an oppressed person is forbidden from crying for help! A cry for help is in fact an appeal to a third party, an appeal to justice, and not an act of revenge. Discouraging cries for help on the basis that they are violations of Jesus' command not to "oppose evil," as some pacifist theologians have seriously discussed, may be called the *reductio ad absurdum* of that line of thinking. In the Bible, the cry for help from the oppressed is viewed as a good thing, which moves the heart of God to action.

Suppose that Jesus had said the following: "You have heard that it was said, 'an eye for an eye and a tooth for a tooth.' But I say to you, if you hear the screams of your children being beaten and raped, stop up your ears and let them be abused. Do nothing to stop the attacker." Is this an unreasonable caricature of absolute pacifist and anarchist views? Many believe in opposing evil by words and protests, but reject any and all use of force to stop oppressors, so that this is a logical implication.

The above paraphrase sounds harsh in our ears in a way that the real words of Jesus do not, because we implicitly respond differently when another

person is added to the scenario. When only my own dishonor or pain is in view, I can take up my cross and bear it. If I ignore helping others in distress when I have the power to rescue them, I become not a noble hero but a heel.

The father who stands idly by while his children are raped and tortured deserves not praise as a passive saint but condemnation as a coward. Let there be no doubt that the Bible teaches this; it is not a moral compromise. God condemns those who turn their backs on the oppression of the weak. Proverbs 24:11-12 says

Rescue those who are being taken away to death; hold back those who are stumbling to the slaughter. If you say, “Behold, we did not know this,” does not he who weighs the heart perceive it? Does not he who keeps watch over your soul know it, and will he not repay man according to his work?

Here not only is action to rescue the oppressed allowed, but *inaction* is *condemned*. A pacifist might argue that the intervention to rescue those stumbling to slaughter need not be violent, but the Bible is full of examples of violence to rescue people which is rewarded, including God’s intervention to rescue the Israelites from Egypt, which involved killing the first-born sons of all the Egyptians¹¹ which was rejoiced over,¹² and Abraham’s military rescue of Lot,¹³ which was rewarded by Melchizedek, who the New Testament says was a symbol of Christ.¹⁴

In our day, the foundation of the case against legitimate government seems not to come from the Bible, after all, but from a new ethic widely promulgated as absolute in the absence of the Bible’s ethical absolutes, following the general slide away from Christianity in Western society. This is the “trivial ethic” of modern times: evil is the use of force and the use of force is evil. It can be viewed as a boiled-down version of the Anabaptist ethic discussed in Section 1.2 and Appendices A and B, but while those start with the Bible and Jesus, this new ethic stands as absolute, and judges the Bible. If we accept this view, then government intrinsically requires a pragmatic “ends justify the means” mentality: the evil means of force is used to oppose evil. Childhood spankings, government laws, and wars all fall in the category of “violence,” which is intrinsically evil.

¹¹Exodus 12.

¹²Exodus 15.

¹³Genesis 14.

¹⁴Hebrews 6:20, 7:1.

Is the use of force to oppose evil a descent into evil? To insist on this trivial ethic is to impugn the character of the God as portrayed in the Bible. This leads to a third positive argument for the legitimacy of the use of force by government, namely the positive virtue of justice as exemplified by God himself. The last book of the New Testament, the Revelation of John, shows God using great violence to work out his judgments. In several other places in the Bible, God exults in the title of “mighty warrior”;¹⁵ Jesus also is called a warrior¹⁶ and acts as such in the final judgement. These acts of judgment by God are never mourned over, but rather are exulted over, time and time again.¹⁷

As I argued above in regard to the Law of Moses, while one may insist that such use of force is not commanded to us in this day, one can not argue that the use of force is *intrinsically* evil, without attacking the character of God himself. Many non-Christians would indeed attack the character of God on exactly these grounds, because he violates their own trivial ethic of all use of force as evil. On the other hand, some in the Anabaptist tradition would agree that God has this character, but would reserve this virtue of justice for God alone. Against this, the Bible talks in many places of justice as a communicable virtue, praising earthly kings (such as King David) for their justice¹⁸ and commanding earthly judges to pursue justice.¹⁹ One might argue that the justice to be shown by humans is only of the fair-dealing character, not wrath on criminals, but the Bible speaks of justice as a “terror to evildoers.”²⁰ It is impossible to miss the side of justice which deals with terror to oppressors; page after page of the Old Testament contains it, and often is a reason people who hold to the trivial ethic of nonviolence dislike the Old Testament.

The Christian must recognize that the trivial absolute of nonviolence is nowhere stated in the Bible, but comes from secular thinkers such as Ghandi attempting to define ethics in the absence of universal absolutes. In the Bible there is such a thing as the legitimate use of force and such a thing as illegitimate passivity. Government is mandated in the Bible, and commanded to pursue justice.

¹⁵E.g., Exodus 15:3, Jeremiah 20:11.

¹⁶Revelation 19:11.

¹⁷E.g. Deuteronomy 33:21, 1 Kings 10:9, Psalm 37:28, Romans 9:22.

¹⁸E.g., 2 Samuel 8:15, 2 Chronicles 9:8, Psalm 72.

¹⁹E.g. Deuteronomy 16:20.

²⁰Proverbs 21:15.

2.2 What is Justice?

Above, I defined government as the power in a society that may legitimately use force for justice. We have discussed the role of force, but so far have not addressed the definition of justice.

Justice in the Bible is a broad concept, which lies at the heart of the Gospel itself. We can identify four main themes associated with justice:

- **Rescue.** One of the main themes of justice is the concept of rescue of the oppressed from their oppressors. In this, there are several aspects. One is to stop the oppressor from continuing the oppression. This is seen, for example, in the rescue of the Israelites from Egypt—God heard their cries and rescued them from slavery.²¹

A related aspect of rescue is *recompense*—paying back the victim for what has been lost or damaged. This is seen in many places in the Law of Moses when a thief is required to give back what is stolen, plus an additional amount. Another aspect is *deterrence*, to prevent oppression from reoccurring in the future.²²

In all of these aspects, the focus is on the victim—making life good for those who are weak and could otherwise be oppressed.

- **Rehabilitation.** Another aspect of justice can be to restore the criminal; this is sometimes called *discipline* in the New Testament. Penalties can be used to try to bring a rule breaker to repentance.²³
- **Retribution.** Both of the above aspects of justice are widely accepted in our society and among Christians. This third aspect, of retribution, is much more controversial, even among Christians. In the mainstream evangelical and Reformed schools of thought, retribution lies at the core of understanding what was happening on the Cross when Jesus died.²⁴ As discussed in Appendix A, the Christian Left, with Anabaptist roots,

²¹Exodus 2:22-25.

²²Deuteronomy 19:20.

²³E.g., Proverbs 13:24, 1 Corinthians 5:5.

²⁴See, e.g., R.C. Sproul, *The Truth of the Cross*, (Reformation Trust, 2007); J. Stott, *The Cross of Christ*, 2nd edition (Intervarsity Press, 1989); J.I. Packer, *Knowing God*, (Intervarsity Press, 1973); see also C.S. Lewis, *The Lion, the Witch, and the Wardrobe*, (Geoffrey Bles, 1950, reprinted by HarperCollins).

disagrees with or downplays this aspect of the Cross and sees the Cross primarily as an act of self-abnegation by God.

The fundamental reason for retributive justice is the perception of a cosmic order in which crimes “demand” punishment to be expiated. So, for example, in the beginning of the Bible God tells Cain, the murderer, that the blood of his brother “is crying out from the ground.”²⁵ Similarly, in the case of an unsolved murder, there must be a sacrifice to atone for the crime, so that the guilt may be “purged.”²⁶ In this case we see that no one is rescued or restored, nor is a criminal rehabilitated, but the crime itself demands expiation. While this is a foreign concept to many people in our day, it is deeply part of human culture through past ages and in tribal cultures, and lies at the root of animal and human sacrifice, which has been universally practiced in all cultures at one time. Because guilt, in this view, is a real, tangible thing, it cannot simply be ignored. Thus, God could not just forget about the sins of people he wanted to forgive; they had to be expiated by the death of his Son on the Cross.

Differences on this principle come into sharp focus when capital punishment is considered. Capital punishment cannot rehabilitate the criminal, and does not usually benefit the victim; its value as a deterrent is debatable. In the Bible, it is primarily understood as retribution, that is, as an “accounting” of the guilt created by crimes.²⁷ We will return to the question of capital punishment in more detail in Section 4.2.3.

Many people react against the idea of retributive justice because they confuse it with *revenge*. As discussed in Section 2.1, the Bible forbids revenge. When retribution is in view, a just judge must think not of paying back the criminal, but of what the crime demands, in absolute terms. This distinction is embodied in the division in the American legal system between civil courts and criminal courts. In the civil court system, an attempt is made to have the perpetrator pay the victim what is owed, and the victim has the right to forgive debts. In the criminal courts, the state may pursue punishment regardless of whether the victim presses charges, if the crime is viewed as wrong in and of itself.

²⁵Genesis 4:10.

²⁶Deuteronomy 21:1-9.

²⁷E.g., Genesis 9:5-6.

- **Testimony.** Although we can say that the biblical command to stop oppression and to defend the helpless is the mandate for government, we must not harbor any illusions regarding the possibility of complete success. A government of humans can never completely stamp out evil, and the Bible is very realistic about this. To even try would require an invasion of privacy of incredible magnitude. But sometimes we do know very clearly when something is evil, and we have the ability to stop it. If we don't, we are effectively complicit in that evil. For example, if a church allowed members of its leadership to sexually abuse children or teach Nazi doctrines, with no penalty, it could be justly accused of complicity. Lack of punishment would not be viewed as merciful grace toward the perpetrators, but as indifference toward the oppressed. In the same way, if a government has a law against sexual abuse of women, but never enforces that law, women could rightly conclude that they have little value in that society.

This can be stated as a second general principle:

No one can stop all evil from occurring or even know all the cases when it occurs, but to not oppose evil when it is well known is to be complicit in that evil.

(2.2)

All of the above can be viewed as responses to human sin. Justice in this sense is always indicated the Hebrew word *mishpat*, which has the root of “right ruling,” or “authoritative verdict.” This is distinct from the modern concept of *social justice*. Social justice may be defined as the pursuit of *shalom*, the general Hebrew term for well-being of all people. This is often viewed by the Left as preventing large differences in power and wealth between different segments of society. While we may agree that avoiding huge differences in wealth and power could be good for society, such differences are not intrinsically unjust in the *mishpat* sense; that is, inequities are not always the result of evil. The Bible assumes that differences will exist, and forbids coveting the wealth of others.

The Christian Left often draws on the many passages in the Bible that speak of a lack of justice when the rich oppress the poor and call on us to defend the helpless.²⁸ The existence of rich people is not oppression in and of

²⁸E.g., Proverbs 22:16, Isaiah 1:17, James 5:1-5.

itself, however. The Law of Moses commands that judges favor neither the rich *nor* the poor, and neither the elite few *nor* the many.²⁹ Nevertheless, the Bible is very realistic about the fact that wealth gives tools to the rich that make them able to oppress; one of the main ways is through bribes, which the the poor cannot offer.³⁰ The rich can commit crimes against the poor and then bribe their way out of penalties; they can also pay government officials who write the laws to favor them. Therefore, while inequity of wealth does not automatically imply injustice, a just society must be on its guard against the abuses of justice that can come from it. We will return to these issues at length in Chapter 6.

While inequity of wealth and power is not intrinsically an injustice, Christians need not shy away the concept of systematic oppression, or systematic injustice. Societies may have collective sins, that is, sins that are generally ignored or downplayed by almost everyone, to the point that they become nearly invisible. If whole segments of society are continuously poor, it makes sense to ask why; there may be multiple causes which include their own behavior, random disasters, and sinful behavior by other segments of society.

2.3 What Is a Legitimate Government?

Many Christians have been influenced by the libertarian argument that government is indistinguishable from a group of thugs who take over a city, except that it is bigger. Do not both ultimately rely on the power of the sword or the gun? The Bible does not talk this way; in the Bible there is such a thing as legitimate government. What makes a government legitimate? Clearly, anybody who just stands up and says “I am the government” does not have a legitimate claim to be the government. There must be a consensus in the society as to who is the legitimate authority. Exactly how this consensus comes about, or is lost, is the topic of much study.³¹

One characteristic of a legitimate government is obviously a concern for the well-being of its subjects. Such a government may in fact start out as a group of thugs. Yet by a “law of nature” (one might say a natural law instituted by God), if that group of thugs wishes to have anything left to govern after a short time, it must seek the welfare of the people. In so doing,

²⁹Exodus 23:2-3, Deuteronomy 1:17.

³⁰Exodus 23:8, Deuteronomy 16:19.

³¹See, e.g., T. Lowi, *Incomplete Conquest*, (Holt McDougal, 1981).

these governors gain legitimacy. Some never do. Like Ceausescu in Romania, they feed off the misery of the people until the golden goose is dead. Yet the majority of governments do seek the welfare of their people, for entirely selfish reasons. For this reason Paul could say that God has set up governments for the good of the people, even during the pagan rule of Rome. Despite many great evils, the rule of Rome benefited many people. In our day, drug lords in South America have proven in some cases to provide good care for villagers under their control.

How does a government work for the welfare of the people? The government may attempt many good works, but the primary work of government is what Paul calls “the power of the sword”—the use of force to execute justice.³² “Justice” as I use it here is the action of the government as a third party to mediate between citizens. The government steps in as a less-biased third party, in order to prevent the strong from oppressing the weak. This may mean mediation between individuals in civil or criminal cases, or it may mean mediation between whole groups of people who feel wronged by other groups. The mediation is “just” when the weak are protected, and “unjust” when the strong are allowed to exploit the weak.

This brings me to a third general principle regarding government, which I call “the law of the day care center”:

If the strongest powers in a society refuse to use force to mediate justice between the weaker powers, then the society will be characterized by constant fighting.

(2.3)

Many of us have seen this demonstrated numerous times with small children as well as in schools for older children.³³ Teachers committed to pacifist philosophy see children fighting and refuse to separate the children, decide who was wrong and who was right, and punish the wrongdoer. According to this philosophy, the children will have such respect for this pacifist approach that they will cease to fight. In fact, the children learn quite a different lesson. The stronger children learn that they can obtain what they want through the direct use of force and that nothing will stop them, and the weaker children learn either to fight back deviously or else to run and hide.

³²Romans 13:1-7.

³³The fictional work *The Silver Chair*, by C.S. Lewis (MacMillan, 1953), gives a picture of this type of school which is a painfully realistic memory to many people.

The society becomes ruled by the law of the jungle. Fighting continues unabated, a “pecking order” is established, and the children remain unhappy. Perhaps when they are older, the children are finally brought into line by teachers giving them a severe “guilt complex” when they do wrong.

The same is true in adult societies. When people in the inner city perceive that the police will not prevent crime, chaos reigns. Even people who normally would never participate in crime took to the streets to loot or to fire weapons at looters during the Los Angeles riots of 1992, when it was perceived that the police were no longer in control. The collapse of the iron fist of the Soviet Union led to dozens of wars in areas previously policed by the communists, and a tremendous rise of organized crime in Russia. Several former colonies of England and France fell into a state of constant warfare in the absence of a strong central government.

Another characteristic of a legitimate government is therefore this: it must be the strongest force in the society. A government that is so weak that it must bow to stronger elements in a society can not rule justly, because it can not prevent those elements from oppressing others. The situation of a weak government is perhaps worse than rule by a strong tyrant, since the strong elements may feel no responsibility for the welfare of the people, as they would if they took charge. Ultimate justice requires ultimate power, for otherwise just judgments will remain unenforced.³⁴

The strongest elements of a society have a responsibility to keep order. When they abdicate, they betray the entire society. There is nothing more natural than for an oppressed party to appeal to a stronger party for a judgment, whether it is a child trying to keep a toy or an ethnic group fighting for its homeland in Yugoslavia. How cruel for them to find a sign at the door of judgment saying “Fight it out among yourselves!”

These two characteristics, benevolence and power, come together in a third characteristic of a legitimate government, the test of time. The longer a government stays in power, the more legitimate it becomes in the eyes of the people. If it lacks power, stronger elements will eventually overthrow it. If it lacks benevolence, the productiveness of the land will slowly die, cutting off its power, while opposing forces will gain power from the support of the oppressed.

These characteristics may seem entirely pragmatic and unspiritual. Yet

³⁴This principle has been used to argue that if we believe in universal justice, we must believe in an omnipotent God.

they can be supported by examples from Scripture. The foremost is the example of Israel in the captivity of Babylon. Initially Israel was a sovereign state. The Lord blessed Hezekiah for resisting the attacks of Babylon.³⁵ Later, Jeremiah told the Israelites not to resist the Babylonians and instead to build houses among them and work with them.³⁶ Daniel was blessed for helping the Babylonians rule, even to the point of repeating the vow of loyalty, “Oh King, may you live forever!”³⁷ What had changed? By the time of Jeremiah, the collapse of Jerusalem and the rule of Babylon had already taken place—Jerusalem existed only in the memory of the captives. It had no power, and, as made clear by the prophets, it lost its power because it exhibited no justice and no benevolence.³⁸ Under the later restoration, Nehemiah affirmed loyalty to the king of Babylon and made no attempt to reassert independence.

Later Jews did seek to resurrect the independent state of Israel, and the question of the legitimacy of the government of Rome, which had inherited the empire of Babylon, remained a pressing issue of Jesus’ time; the “zealots” believed that the government of Rome was illegitimate. Neither John the Baptist nor Jesus nor the apostles questioned the legitimacy of Rome, however; in fact, Jesus and Paul went out of their way to affirm the legitimacy of Rome’s rule, for example, in Jesus’s famous words, “Render unto Caesar what is Caesar’s”³⁹ and Paul’s affirmation of his Roman citizenship.⁴⁰ Yet only considerations like power, generic benevolence, and the test of time could legitimize Rome. Rome certainly had no recognition of the supremacy of the Law of God, and no covenantal relationship with God.

The birth of the state of Israel in the Exodus provides another example of evolving legitimacy. For most of the 600 years of the stay of the Israelites in Egypt, Egypt’s rule was benevolent, and Israelites like Joseph participated in its government. The government of Egypt lost legitimacy in the eyes of God quickly when one strong element, the native Egyptians, used it to oppress a weaker element, the Israelites.

I have used the term “benevolence” to indicate an attitude of wanting the good of the subjects. Yet the definition of what is “good” requires an ethic,

³⁵Isaiah 38-39.

³⁶Jeremiah 29:4-7.

³⁷Daniel 6:21.

³⁸E.g., Isaiah 1:4-15, 23-25, 2:6-11, Lamentations 1:5-8, and Micah 1:5-9.

³⁹Matthew 22:21.

⁴⁰Acts 25:8-11.

a value system. Here the Christian must say that God's good is the "real" good, and the Bible, especially the books of Deuteronomy and Proverbs, indicates that following God's moral law leads ultimately to the increase of wealth and the well-being of a society. Yet a government need not be explicitly "God fearing" in order to institute major elements of God's moral law. Because God who gave the moral law is the same God who created the natural universe, societies may reinvent the wheel, so to speak, and institute laws very similar to the moral laws of the Bible entirely for pragmatic reasons, because they preserve order most efficiently. On the other hand, nominally God-honoring societies may pervert the moral law of God out of a commitment to certain heretical ideas, and in fact may have less benevolence than some pagan ones. This was clearly the case with ancient Israel, as discussed above.

This extensive discussion of legitimacy may seem moot to some, but I have dwelt on this because Christians have tended to argue in extremes when it comes to government. If a non-Christian government that rejects the sovereignty of God can be legitimate, then are all governments legitimate? In that case we should submit to every government, no matter how bad, even to Adolf Hitler. Some Christians have advocated this kind of passive acceptance of all evil, to the joy of evil rulers and to the just condemnation of Marx. Or should we say that all human governments are illegitimate, and aid none? Should we retreat like the Amish into little communities that merely coexist peacefully with governments? If we can not imagine that, then should we work only for a "Christian" government?

The resolution is, in essence, that legitimate governments do exist, and the Christian may feel free to serve in (and even to feel patriotic about) a legitimate government even if it is not explicitly Christian. On the other hand, the Christian may feel called to rebel against a completely illegitimate government, and indeed may sin in continuing to collaborate with an evil and illegitimate government. To require a government to be openly "Christian" in addition to the above tests is too stringent a test of legitimacy, one that the Bible does not demand, and failure to be explicitly "Christian" can not alone warrant rebellion. On the other hand, throughout history many powers, even some that have sworn allegiance to Christ, have been illegitimate by the above standards (e.g., the Anabaptist takeover of Muenster or Oliver Cromwell's reign in England.)

Being "democratic" is also not a sufficient test of legitimacy, even though democracy may well be the best system of representation yet conceived.

Democratic governments can become illegitimate via the “tyranny of the 51%” in oppressing minorities and via leaders who sway public opinion and polls via subtle propaganda. Non-democratic governments like monarchies can satisfy the above tests of legitimacy, although there may exist few means of keeping them from turning to tyranny in the long run. Finally, documentary “legality” is also not sufficient for legitimacy, because governments themselves write the documents. A group of people who write a document founding a government must first show they have legitimate authority to write that document, leading to a circular process. Even in the case of documents written by God himself, as was the case with the Ten Commandments given to Israel, if the government forsakes them and turns to rampant injustice, the original legitimacy can be lost, as the prophets say occurred with the nation of Israel. Longstanding documents with widespread acceptance add to the test of time discussed above, and good governments have accessible documents making their principles of law clear, as discussed in Section 5.1, but the mere existence of a document does not automatically make a government legitimate.

Francis Schaeffer argued in his *Christian Manifesto*⁴¹ that when a government becomes illegitimate, even if it is Christian in name, we can not rule out the right of rebellion. Section 3.7 will address questions of secession and rebellion against illegitimate governments.

2.4 The Stability Argument for the Legitimate Use of Force

In Section 2.1, I argued from Scripture for the legitimate use of force. In this section I present rational arguments based on experience. Some may see in my arguments a Niehburian pragmatism that comes across as unspiritual. In fact, the lack of reasonableness of the trivial ethic of nonviolence discussed in Section 2.1 may even be part of its appeal to people: many people feel that absolute pacifism is a higher spiritual state attained by releasing oneself from the logic of the mind, effectively embracing the Hindu ethic which ascribes to the higher castes higher levels of inactivity and passivity.

In general it is true that sometimes Christians are called to obey God in things which seem unreasonable in the eyes of the world, such as giving

⁴¹F.A. Schaeffer, *A Christian Manifesto*, (Crossway Books, 1981).

our money away, or denying our sexual appetites at times. If we have a clear command from God, we must simply obey it and trust God to take care of our needs. My main argument for the legitimacy of government in Section 2.1 was therefore a *biblical* and *moral* argument that God calls us to set up governments which use force justly.

Those who disagree with my biblical interpretation must nevertheless face the full weight of the implications. As Francis Schaeffer often argued, the final test of any philosophy is “Can I live with it?” If a person needs to violate his own philosophy, to “compromise,” in order to live life, then something is wrong. In the example used previously, some pacifists might say that if their children were being murdered and raped, they know they would be inconsistent and would use whatever means necessary to save their family members. Is this a regrettable compromise, or is it a deep-rooted sense of justice that screams out against a merely intellectually popular philosophy?

Apart from the demands of our inner conscience, a pragmatic argument against absolute pacifism is that it is *intrinsically unstable*. If everyone in the world is a pacifist, then all is well and good. But if everyone is a pacifist except one person who murders people, and no one stops him, the total amount of suffering will be far greater than if there is a police force.

Many in the Anabaptist/pacifist tradition argue that the good example of pacifists will eventually shame the violent man into giving up his violence. Pacifist lore is full of stories like this. Unfortunately, most of them are remarkable because of how exceptional they are; despite a few examples of people converted to pacifism by the passivity of others, there are plenty of other people who actually get pleasure out of terrorizing a passive opponent. There are certainly examples of violent men changing heart, but to argue that every non-pacifist can be converted in this way is to not take the sinfulness of humans seriously. The literature on abusive spouses is full of cases of men who went further into abusiveness when their wives adopted a submissive or passive response.

Pacifists seem often to imply that violence occurs only when it is learned by example; that people would be naturally nonviolent except that historically they have been taught violence (e.g., by Western powers, in the modern day). This is not the view of the Bible, which teaches from beginning to end that people are predisposed to sin and violence:

The Lord saw that the wickedness of man was great in the earth,
and that every intention of the thoughts of his heart was only evil

continually. (Genesis 6:5)

All have turned aside; together they have become worthless; no one does good, not even one. Their throat is an open grave; they use their tongues to deceive. The venom of asps is under their lips. Their mouth is full of curses and bitterness. Their feet are swift to shed blood; in their paths are ruin and misery, and the way of peace they have not known. (Romans 3:13-17)

As discussed in Appendix A, this is a fundamental question about the nature of mankind which has been debated for centuries. Christians who embrace the legitimate use of force believe that government is the best way of limiting the effects of sin, given a realistic view of the nature of people, even the best people.

Even if most people are not this way, pacifists must deal with the possibility that even *one* such person exists. If one does, and no one uses force to oppose that person, he or she can cause untold suffering. If the pacifist is counting on some other non-pacifist to stop such a person, then the pacifist can not live consistently with his own belief system—we need a non-pacifist with a sense of justice to make the world stable against violence.

As discussed in Section 1.2, some people accept the idea of a police force within a country, but reject the idea of warfare between countries. I will discuss the idea of a just war in Section 4.3. But the same stability argument applies to this type of pacifism, too. A country with evil leaders, knowing that all the other countries are pacifist, can cynically use this knowledge to conquer them. This is not an abstract scenario; it is well documented that Hitler before World War II deliberately counted on the prevalent pacifism in other powers, assuming they would be unwilling to fight, allowing him to conquer lands one by one.⁴² It is also well documented that the Soviet Union in its attempt at world conquest funded and supported pacifist movements in the West,⁴³ and Soviet-influenced pacifist organizations played a role in the American withdrawal from Viet Nam. The pacifist must deal head on with the possibility that some people, and some nations, may simply not be persuaded to become pacifists, no matter how good the argument or example set before them. If unopposed, these powers will try to take over control of the world, eventually even having the power to teach the children of pacifists

⁴²See, e.g., F. McDonough, *Hitler, Chamberlain, and Appeasement*, (Cambridge University Press, 2002).

⁴³E.g., H. Huyn, “The Soviet ‘Peace’ Offensive,” (Heritage Foundation, 1983).

to become warlike. Believing that some people would try to take over the world is not conspiracy mongering; it has been tried countless times in ages past, from Alexander of Greece to Rome to Ghengis Khan to Napoleon to Hitler. Pacifists did not stop these people, opposing warriors did.

Ron Sider and others have taught the idea of passive resistance—to deliberately allow enemy powers to take over the world, but then to oppose them in nonviolent ways until they feel so guilty or frustrated that they change.⁴⁴ The nonviolent resistance of Ghandi in India is taken as the supreme example of this approach. But Ghandi's movement succeeded in large part because the English, after decades of liberal Christian teaching, felt guilty about slaughtering defenseless Indians, and Ghandi knew this from his years in the English education system. A different empire might not feel such compunctions, as the world saw in Tiananmen Square in China; clearly Islamic fundamentalists have no problems with targeting unarmed opponents—even anti-war pacifists who visited Iraq before the Gulf War were targeted by Islamic fundamentalists. Making an enemy nation capitulate by appealing to its conscience only works if the people of that nation already have doubts about their mission; if they have a strong feeling of their own superiority, and a sense of cultural mission to take over the world, then being unarmed and passive may only make that nation more confident of success. The Nazis, the Communists (including the leadership of present-day China), and Islamic fundamentalists are examples of cultures driven by a strong sense of cultural superiority, such that they feel it is proper to control the world in one way or another, and more such ideologies are likely to continue to arise.

One pacifist argument invokes the very fact that so many people are warlike to argue for pacifism. In this line of argument, we need not worry about truly evil forces taking over the world, because other evil forces will always arise to cancel them out. This position puts the pacifist in the role of a spiritual elite class that looks down on others who do the dirty work for them. Like the pragmatic pacifism position discussed in Section 1.2, it effectively says, “Yes, the dirty work must be done, but no truly elevated

⁴⁴E.g., R. Sider, “Jesus’ Call to Be Peacemakers,” (1984) reprinted in *Documents, Declarations, Letters, Writings, and Speeches of Dr. Ron Sider, Ph.D.*, (Prism Magazine, 2011). Sider says, “We need to prepare to die by the thousands...What would happen if we in the Christian church developed a new nonviolent peacekeeping force of 100,000 persons ready to move into violent conflicts and stand between warring parties?... I believe praying, Spirit-filled, nonviolent peacekeeping would by God’s special grace be able to end the violence.”

person would do it.” Is this a just and righteous position? To disdain the local policeman, but rely on him to come and help me if someone truly evil shows up at my house, is no different from despising the garbage man, but relying on him to take my refuse.

2.5 Why Government at All?

The Bible says that God created, or “appointed,” the existence of the institution of government for the purpose of blessing people. It is worthwhile here to look at two oft-quoted passages in full:

Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of the one who is in authority? Then do what is good, and you will receive his approval, for he is Gods servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out Gods wrath on the wrongdoer. (Romans 13:1-4)

Be subject for the Lords sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good. (1 Peter 2:13-14)

One can ask a very basic question: why did God do this? Clearly, the kingdoms of this earth do not execute God’s final justice—we all know there are many examples of criminals who escape judgment here on earth, and all of us avoid punishment for things we think of as small sins: evil thoughts, deceptions, and cutting corners. The Bible says in many places that there is no final justice in this life,⁴⁵ and that God will bring all things to perfect

⁴⁵Ecclesiastes 3:16: “Moreover, I saw under the sun that in the place of justice, even there was wickedness, and in the place of righteousness, even there was wickedness;” Job 19:7: “Behold, I cry out, ‘Violence!’ but I am not answered; I call for help, but there is no justice.”

judgment in the future, when he raises the dead.⁴⁶ Furthermore, as we will discuss in Chapter 3, good governments should not even try to stamp out all evil occurring in their domains. Therefore the purpose of earthly governments cannot be to bring about perfectly just prevention or retribution against all evil.

Fundamentally, God's commitment to the institution of government comes from his commitment to communities of people. We can think about this by imagining two extremes. At one extreme, suppose that God demanded every sin to be immediately punished today to the full amount it deserves. As Christian theologian R.C. Sproul has noted, if God did so, who would be left standing tomorrow? The Bible teaches that every person has evil thoughts and evil deeds which deserve punishment. At the other extreme, suppose that God had humanity live in a situation where no sins were ever punished. This would be anarchy, and as discussed above, the law of the day care center, which is based on an honest view of the sinfulness in all people's hearts, implies that anarchy inevitably leads to chaos and oppression until one person or group of people wins power over the others and sets up a government, either *de facto* or *de jure*.

Appendix C discusses this balance in more detail. Both extremes, either trying to totally wipe out of all evil, or wiping out no evil, lead to an unstable society. If there is to be a stable community of people on earth, government must operate somewhere in the middle, not seeking and destroying every sinner, so that no one is left; nor tolerating every sin, so that murderers and oppressors abound. Thus, human law functions as a way of maintaining a society stable enough for children to grow up and for the Gospel to be preached without rampant violence and oppression, but free enough to allow sinners to live without fear of being tracked down for every one of their sins.

This helps us to see why it is not a moral imperative to institute all of the punishments of the Law of Moses, as theonomists would advocate. Even the punishments of the Law of Moses were a reduction of the full justice which

⁴⁶Ecclesiastes 12:14: "For God will bring every deed into judgment, with every secret thing, whether good or evil;" Matthew 12:36: "I tell you, on the day of judgment people will give account for every careless word they speak;" Revelation 20:12-13: "And I saw the dead, great and small, standing before the throne, and books were opened. Then another book was opened, which is the book of life. And the dead were judged by what was written in the books, according to what they had done. And the sea gave up the dead who were in it, Death and Hades gave up the dead who were in them, and they were judged, each one of them, according to what they had done."

God could rightfully demand if he chose. The goal of those punishments was not to execute full justice in this world—that will never happen here, and God reserves final justice to himself. Rather, those punishments operated within the society of Israel to bring order to society and to testify to the people about the nature of evil. By giving some crimes greater punishments than others, God told the people what he prioritized—for example, crimes against property have relatively small punishments, while crimes against people have severe punishments (we will return to this in Section 4.2.3). In our society, we ought to have the same prioritizations, but not being in the same covenant community, the exact punishments need not be the same.

When sin entered the world, God could, of course, have wiped out humans and started over with a new race of sinless people. The story of the Bible, however, is all about God working with the children of Adam despite their sin, to create a community of people who are “fruitful and multiply and fill the earth”⁴⁷ until in heaven there are people “from every tribe and tongue and nation.”⁴⁸ Although we have a hope of heaven in the future, the story of the Bible shows that God is very much concerned about the things that happen in this world, about its societies and communities, not just plucking individuals from this earth to take to a future world. God does not toss out the race of humans he created; he works to stable establish communities among them.

The Bible is not concerned only with government—far from it. Practically every evangelical Christian would agree that a healthy Christian life involves many elements of personal piety, such as prayer meetings and personal evangelism. But the scope of the Bible is remarkable for its breadth, embracing not just the elements of fitting us for heaven, but also the goodness of work in this world and a long-range view of the kingdom of God growing as a community in this present earth.

This should not be taken as an argument for stability of government at all costs, or stability as the only purpose of laws. *Earthly justice*, limited as it must be, is the goal of Christians in regard to society, not the preservation of any one government. As discussed in Section 3.7, sometimes Christians may actually be called to fight against an illegitimate government in the pursuit of justice.

⁴⁷Genesis 1:28.

⁴⁸Revelation 7:9.

Chapter 3

The Limits of Government

Saying that such a thing as legitimate authority exists is not the same as saying that any authority may lay claim to the right to do anything. Every authority has a “sphere” of authority, and if it oversteps those bounds it can do more harm than good, even with good intentions. We all know the stories of German soldiers in World War II or Americans in the Viet Nam war who obeyed authorities’ commands to do various kinds of evil; the public subsequently did not accept their arguments that they were “just following orders.” Some people have reacted against all claims of authority on the basis of such excesses. Of course, every authority naturally would like to extend its realm of authority, but we do not have to accept those claims, even if we believe in such a thing as legitimate authority. We may assert with confidence the old adage, “Power corrupts, and absolute power corrupts absolutely.”

The concept of limited government is intrinsically tied to two Christian concepts. First, it assumes that absolute power corrupts absolutely because government is made up of people, and people are sinful. Given absolute power, no person could resist the temptation to use other people for selfish ends. History is full of people who seemed to have good credentials for incorruptibility, who convinced people to give them a lot of power, and who “turned bad.” The Puritans’ experience with Cromwell in England, a man who to all outward appearances had deep Christian convictions but who became dictatorial, had an important influence on the writing of the American Constitution and its limits on presidential powers. If we believe that no one is incorruptible, we will not give anyone unlimited power, no matter how good his or her credentials seem.

The concept of limited government is also tied to the Christian concept of

God's rule over all. In the face of the overwhelming power of a government, a Christian can say "You ought not" to his rulers because he knows that God is Lord over human governments and they are subject to God's moral laws.

Conversely, if God is out of the picture, nothing prevents a government from assuming absolute power. In a relative moral universe, what absolute belief could we bring to bear to insist that might does not make right? Far the opposite. If we feel that we must right every wrong ourselves, then more power and more ability to right wrongs is better. We can only let some wrong things go unrighted if we believe that ultimately God will judge. As Francis Schaeffer argued, without that confidence in God's final judgment, our insecurity will grow as we hear of more and more evil, until even loss of freedom and the growth of power of an iron-fisted ruler seem preferable to unchecked evils.¹ We have seen this in America in this generation—those in favor of tremendous extensions of the power of government, for example in taking over the entire medical and health sector of the economy, routinely charge that opponents do not care about the evils that these huge government programs seek to correct. The counter argument, that the cure could be worse than the disease, no longer makes sense to many people because they do not see the virtue in a limit to government *per se*, because they do not believe in the intrinsic corruptability of all people.

Historically, a limit to government has been expressed as a "right." In modern times, a right has been redefined in many cases as a mandate for government action. People now talk of a right to medical care, a right to a college education, and so on, in what conservatives call the "rights industry." Even if we reject such claims, the concept of a right has deep roots in Christian theology as a universal inheritance, or birthright. It is "what is right," i.e. what the universal law of God demands. No law of a human government can override the rights, the birthrights, of persons without setting itself at odds with the Lord of the universe.

3.1 Church and State

The United States has come to a crossroads regarding the relationship of religion and government. On one hand, some humanists have tried to ban religion entirely from public discourse, while on the other hand, groups like

¹F. Schaeffer, *How Should We Then Live? The Rise and Decline of Western Thought and Culture*, (Crossway Books, 1976).

the Rutherford Institute and the National Alliance of Evangelicals have stood up for the rights of pagan religions which practice witchcraft, in the name of freedom of religion.² In all of this debate, it amazes me that no one has addressed the question of what religion is, in the first place. What do we mean by “religion,” when we say it should be “free”? Suppose I say that my “religion” consists of killing people—many religions have, in fact, practiced human sacrifice. Should I have the freedom to practice my religion? Or suppose my religion consists of deceiving people in order to make money, as appears to be the case with some groups like Scientology? Should my deceptions be legalized? Clearly, that “religion” which all people have the “freedom” to practice cannot be defined as “anything I feel is religious.”

The Supreme Court of the US has ruled, correctly, that claiming an activity is “religious” which is otherwise a crime (e.g., drug use) does not make it a noncrime,³ and outlawing an activity which is otherwise legal (e.g., humanely killing animals) because it is “religious” is similarly unjust.⁴ Such rulings avoid a need for defining religion in the law. Only specific crimes need be defined.

The problem, however, comes from the fact that the definition of “crimes” requires concepts of universal right and wrong (now called “value judgments”) which inevitably come from the sphere of religion. If we define “religion” as “that part of my life which tells me what is right and wrong,” then the State can not be neutral in regard to religion. Some might call their moral systems “philosophies” rather than religions, e.g., a philosophy of atheism, but the subject matter is the same: belief systems with universal moral implications. To make any law at all requires a belief that “people should not...” or “people should...,” which are statements of universal morality. Therefore in defining any crimes, the State establishes the *implications* of some religions, or moral belief systems, above the implications of others. Different religions and philosophies, or even different schools of thought within the same religion, may concur in defining the same crimes for different reasons, but for any point of law, one can imagine a religion or philosophy which would oppose it.

The important limit on government in regard to religion, then, is not to prevent religions from having input into the morality used by the govern-

²See, e.g., http://paganinstitute.org/PIR/legal_rights.html.

³Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990).

⁴Church of Lukumi Babalu Aye v. City of Hialeah, 508 U.S. 520 (1993).

ment, but a limit on what acts practiced by some religions may be called crimes. The essential concept of limited government, discussed above, says that a government may not proclaim as a crime just anything that it dislikes. A government which embraces Christian morality, therefore, may not simply ban all other religious practices *per se*. It may ban some, if they are crimes. Thus, for instance, the Bible gives no warrant for banning the waving of incense, wild music, humming and meditating, or any number of other practices thought of as “religious,” just because they are not specifically endorsed by some Christian churches. On the other hand, the Bible gives no similar warrant for protection of religious human sacrifice or ritual prostitution, even though both of these have historically been part of many religions.

This distinction between what is an “area of freedom” and what is a “crime” is itself a moral judgement, and therefore also depends on the religious viewpoints of the lawmakers. Some religions, indeed, may allow *no* areas of freedom, placing all human activities under the supervision of civil law. Christianity, however, does make such a distinction, since government has limits, for the reasons discussed at the beginning of this chapter.

The concepts of crimes and areas of freedom inescapably involve the government in matters informed by religion. Even without mandating that all people become Christian (a policy which almost no Christians today would want), a government must act on the implications of one or more religions or philosophies of right and wrong. Christians believe that the implications of Christian moral philosophy should be instituted in the law. Others believe that their own moral philosophy should be instituted, perhaps one which makes no reference to God and uses some pragmatic standard. This is perhaps the issue at the core of all modern debate in the US. “Secularists” believe that there is a universal moral philosophy which transcends all religions and supercedes them, making religion entirely optional, like “knitting,” in the words of Richard Dawkins. Evangelical Christians and members of many other religions do not accept such a view, seeing it as a mere power play by one group to control the government to enforce that group’s moral world view. Secularists point to the oppression of the Roman Catholic church in the Middle Ages and in the modern Islamist states as examples of the dangers of mixing religion with government; evangelicals point to the mass murders of done by atheist states, from the French Revolution to the Stalin, Mao, and Pol Pot, and societies which had pagan world views, such as Hitler’s neo-pagan SS or the Rwanda massacres. Certainly, by mere numbers, deliberately non-Christian states of recent years have been much more efficient

at killing than any Christian government, but the old oppressions of the Catholic church were real and should not be forgotten.

Can a government officially embrace Christianity without becoming oppressive? This is a different question from asking whether a government can embrace any religion at all without becoming oppressive. Religions are different; it makes no more sense to assume that a Christian and an Islamist government would act the same way than it does to assume that an atheist libertarian and an atheist communist government would act the same way. Evangelical Christians believe that a Christian society should be essentially tolerant and hospitable to those who do not share their beliefs, and believe this is the firm teaching of the Bible. This amounts to saying that Christianity teaches that the government is limited in what it may call crimes, and among other things, it is no crime to not be a Christian. Not all religions would have the same view; some religions might indeed teach that other religions should be suppressed. Christians have no need to defend all “religion” as such; rather, they need only argue that the legal outworkings of the Christian religion are just.

There is no question that individual members of the government can and must embrace some system of moral philosophy, and Christians believe that system should be Christianity. A different question arises, however, in regard to “official religious acts,” which involve money spent by the government, for example teacher-led prayer in schools, prayers by state-supported chaplains, state-supported Christmas and other religious propaganda displays, etc. When Christians first started to think seriously about philosophy of government in the 1500’s, Calvin and the Reformers insisted that while the church retains the right to tell the government what is right and wrong, ministers of the church should not be on the government payroll for the job of spreading the message of the church, and since then Christians have nearly uniformly concurred. The reason is that taking money from someone makes a person less than neutral (as the old adage goes, “if you take the king’s money, you’re the king’s man”); a church on the government payroll will be less than prophetic about the sins of that government. Instead, it may become the “opiate of the masses” to bless whatever the government does.

While many call Old Testament Israel a “theocracy,” a remarkable fact is that the priests and prophets in that day received no salary from the government. The judges and kings who enforced the laws had a right to a forced tax, but the priests and prophets depended on a voluntary tithe brought by the people. If a person withheld this tithe, there was no penalty

except the withholding of the blessing of the priests, and no auditor except the eyes of God. It is reasonable to take this as a precedent that the church should depend on voluntary donations, not government money.

The question can be framed in another way, however. May a government legitimately publish official propaganda to give the truth about issues, on which others may be teaching falsehood, in order to protect the people? In the US and Europe, citizens have embraced the role of the government in publishing the truth about cigarette smoking and other health risks, public education about history, scientific facts, etc. There is no ethical reason why government may not publish such things, although the funding for such projects must come from taxes, which requires a certain level of urgency, as discussed in Section 3.2. If we allow the promotion of truth as part of the legitimate agenda of government, then what kind of truth may be promoted? What about political truths, such as “Communism is bad” or “Facism and racism are bad”? (These latter are funded by the US government in all kinds of venues today.) What about religious truths? There is no reason to exclude political or religious truths (or even to define them as “political” or “religious”) if they are really true, unless one believes that all such truth-claims are false or irrelevant. Leaders in the former Soviet Union and East Bloc countries, however, have lamented the lack of precisely this kind of teaching of religious values as a root cause of rampant crime and corruption, and several of those countries have instituted government-sponsored programs to teach absolute moral values from a religious standpoint. A better reason to refrain from publishing such things officially would be if no general consensus exists that they are true, i.e., if they are considered matters of opinion and open to debate. Certainly many matters of religion and politics remain subjects of debate. Yet there is no *a priori* reason to expect that such matters must remain *always* debatable simply because they are “political” or “religious.” For instance, general consensus seems to exist today that racism is bad, a “political truth,” and that people must seek a higher calling than mere animal existence, a “religious” truth. Many see adultery and promiscuity as debatable “religious” issues, but the consequences to society of these practices may bring about a consensus regarding these as well.

An exclusion of “religious” truth from the public arena is artificial and unhealthy. The government may legitimately publish any warnings which its leaders deem are true without doubt. But if religious people take pay from the government to propagate certain truths, does this not violate the rule above, that the preaching of the church must not depend on the funding

of the government, for reasons of conflict of interest? The answer is that all such “preaching” funded by the government remains the propaganda of the *government* and not of the church. The church (that is, all churches collectively) must remain a separate entity from the government, even if friendly to it. If the church ever loses the power to say, “These government teachers preach falsehood and do not belong to the church,” then it no longer has the power to proclaim that the government is in sin, and it has lost its moral authority. For this reason, an important limit on the government is the right of church and private organizations to define their own membership and leadership. The government may not overrule this “freedom of association” even if it thinks the criteria for membership or leadership are evil, for instance if a church excludes blacks, or if it excludes homosexuals (we will return to this controversial issue of freedom of association in Section 6.7). The possibility must exist for the church and the state to come into conflict over moral questions.

This freedom of association holds up only as long as the organizations do not take money for doing the work of the government. If they do, they have become “arms of the state” and therefore must follow its rules. This applies to tax breaks as well as to direct grants. If a church does not pay a tax that other private organizations normally do, then it is “sponsored” by the government. The government must not sponsor evil organizations.

It seems impossible then to argue for tax-exempt status for churches and religious organizations as such. Religious organizations doing the work of government may receive underwriting from the government, but in doing so they have no moral independence—they are arms of the state. Anyone claiming a right to tell the state right and wrong must not take its money. Conversely, the state has no interest in supporting, whether directly through grants or indirectly through tax breaks, any and all activities that someone may call “religious.” As discussed above, “religion” presently has such vague definition that numerous apparently evil cults and profit-making institutions also lay claim to tax exemption.

The fears many church members have about the elimination of tax exemption stem in large part from the vagueness of the US income tax system, which would seem to imply that they would end up paying a double tax, first on their own income and then on the donations out of that income they make to the church. I suggest a more fair and simple tax system in Chapter 6. Another option, which would be both even-handed and favorable to business, is to exempt *all* corporations from corporate tax, since each employee

of a corporation pays income tax. Nevertheless, even a real loss of funds for true churches is preferable to the proliferation of false religions underwritten by tax money and the loss of the independence of true churches in their role of speaking moral truth to the State.

May a church or a Christian organization ever take money from the government to do a specific job, for example feeding the poor with tax money? Again, there is no *a priori* reason why not, but such works remain the work of the *government*, supported by enforced taxes, and as such one must ask whether the government legitimately can claim responsibility for them. I address the role of government in addressing the problem of poverty in Chapter 6.

To summarize, three kinds of agencies exist, the government, churches, and organizations run by church members doing work for the government. The government defines and enforces the moral judgments of what a society considers crimes, and it opposes what that society views as threats. In doing so, it must not forbid activities simply because they are “religious” nor exempt crimes from prosecution because someone feels “religious” about them, and it must not maintain silence on threats that people see as “religious” or “moral” in nature. Religion, as such, therefore needs no definition in the law, only crimes. These definitions of crimes may be implications of one or more religions, and there is nothing wrong with that. The second category, churches, ought to have the same status as any other private organization independent from the government, with no more or less benefits and with the freedom of association to define their membership and leadership. The third category, church organizations and other organizations doing the work of government (including educational and informational ministries) for pay or other benefits, belong to the government sphere and have no such freedom.

3.2 Freedom of Speech and Freedom of Conscience

Closely related to the question of church and state is the question of freedom of speech. A fundamental concept of Christianity is that no power may “bind the conscience,” that is, command a person to believe something he or she does not believe. This comes from the fundamental belief of Christians in truth and falsehood, that truth is “what is,” independent of what we want.

If something is not apparent to me as true, no amount of legislation can make me think it is true. On the other hand, in a society with a subjective view of truth, a person can truly “choose” to believe something or not, in which case beliefs could indeed become the subject of commands.

The right of free speech devolves from the freedom of conscience, since to not speak what one believes would be to practice a deception. Another name for this right could be the “right to error.” No one worries about a right to speech they agree with. In the 1950’s and 1960’s many people claimed a right to free speech to promote communism, but the main reason that persecution of communists ended was that most people at the time did not see communists as seriously in error. Those today promoting racism face an entirely different climate, with little sympathy to their right to error, and liberal thinkers openly discuss restricting “hurtful” or “oppressive” speech by law.

What such thinkers understand correctly is that words have power, and that words are important. No proper concept of freedom of speech can start with the view that words don’t matter. Words can oppress nations, such as the repeated use of “nigger” to reinforce subjugated roles, and words can change nations, such as Martin Luther King’s “I have a dream.” The Bible takes words very seriously—page after page deals exclusively with human speech (including two of the Ten Commandments), and the Bible itself is God’s endorsement of words as important. By words and speech, I mean all symbolic communication, including written words, symbols like swastikas, crosses, and peace signs, and symbolic acts like marches and vigils.

It is an adage that the right to free speech does not include the right to yell “fire” in a crowded movie theater. This reflects the truth that it is impossible to allow an *absolute* right to any and all speech in a just society. The “right to error,” the right to believe wrong things, must be balanced by the need to prevent crimes through words, which can certainly happen.

When can words be a crime? The Bible deals with five kinds of criminal speech.

1. *Incitement to crime.* If I say, “Here is \$100. Go and kill my wife,” I have materially participated in a crime, or at least I have attempted to. Most people agree on guilt in such cases. A more difficult judgment must be made for speech not so “near” to a crime. For example, suppose a person says to a group of radicals, “Someone ought to assassinate the President.” Or suppose a person says to a group a teenagers, “Having sex with small children is a good thing.” In general, judges must decide whether words *caused*, or were

intended to cause, a crime.

2. *Willful deception.* Numerous verses in the Bible denounce false witness and false weights and measures. If a person knows the truth but withholds it or promotes a falsehood, he or she has actually or potentially hurt another person. This may occur when a promised benefit does not materialize, as in false advertising, or when a person is hurt due to a malicious lie, i.e., libel. The penalty for such deceptions must be proportional to the real or potential damage resulting from the deception.

3. *Broken vows and promises.* The basis of modern business is the contract, the legal enforcement of promises. A public vow (whether written or spoken) can only be broken if it was made on the basis of a deception. Otherwise, the state must enforce full compliance. This includes the marriage vow. Regardless of whether two people live together, if they make a promise to share all property for life, they must keep it. An estranged partner (whether male or female) has a right to “alimony” of 50% of the other’s property for the rest of life, regardless of need, unless there is proof of a crime.

Most people have little trouble with the above three kinds of crimes. They have more trouble with the following things which the Old Testament (and much of the Christian world throughout history) made crimes. The reason has mainly to do with the fading of belief in the existence or importance of a spiritual world. If one believed in a spiritual world with real interaction with the physical world, one might have a different outlook regarding these crimes.

4. *Curses.* In modern society, we tend to dismiss curses as humorous anachronisms. The New Age, or neo-pagan, movement, with groups such as Wiccans who believe they have the ability to make curses, may change that.⁵ Whether or not one views prayers to evil spirits as effectual, however, a legal principle exists that if a person attempts to do harm, he or she has committed a crime regardless of whether real damage could have occurred. If a person believes, mistakenly, that a gun will kill someone, not knowing that the other person has a bullet-proof vest, that person has attempted murder if he or she shoots at that person. In the same way, whether or not a curse really affects someone (psychosomatically or otherwise), a person who really invokes curses on another still has evil intent, and may follow through with

⁵There is evidence that witches of old carried out their curses by taking infected garments from sick people and rubbing them on things the cursed person would come in contact with, using a basic knowledge of epidemiology unknown to others. See E.W. Monter, “Witchcraft in Geneva, 1537-1662,” *J. Modern History* **43**, 179 (1971).

more concrete actions. A curse, in a sense, is the same as a general threat against a person, which must be taken seriously.

5. *Attacks on community symbols.* Every society has core symbols of its values and identity. Open attacks on these symbols represent treason, an attack on the society itself as an enemy. In Western society until recently, desecrating the national flag was such an attack; many people felt strongly that flag burning deserved a prison sentence. After much debate, the United States ended up allowing flag burning, mostly on the basis that the flag is “just a piece of cloth,” not an important symbol. In America today, an unconscionable attack on societal values consists of using the words “nigger” or “fag” or displaying a swastika (or a Confederate flag, for many.) In ancient Israel a treasonous attack on societal symbols consisted of cursing the name of God or kneeling before idols.

Every society will have such symbols. Ought attacks on them be crimes? Allowing open attack on them is usually the first step toward abandonment of the values they represent. Many people have applauded Germany’s legal ban on displays of the swastika, and many have debated legal penalties for display of the swastika or the Confederate flag in the US. The fact is that symbols do mean something; as many Jewish and black thinkers will argue, it is naive to say that a swastika is “just” a symbol, or that “nigger” is just a word.

If a society chooses to penalize symbolic attacks, justice demands at least two limitations: that the symbols be *few* and *simple*, and that they be extremely well known. Blasphemy and idolatry in the Old Testament were concrete and well-defined crimes involving one word (the name of God) and one action (bending the knees). The expansion of these crimes to include any and all doctrines not liked by the leaders of the Church did not occur until the Inquisition in the late Middle Ages. Even if some Christians believe blasphemy and idolatry should be crimes, they must make clear to the world that no one wants an Inquisition with broad powers to root out thought-crimes. In the same way, if society wishes to forbid certain actions and symbols offensive to minorities, this must not become a warrant for a “politically correct” Inquisition rooting out wrong thinking everywhere.

The problem with “political correctness” or “word crimes” is not that people are concerned about offensive speech. As discussed above, evil speech can indeed enslave. The problem in the US today, instead, seems to be the criterion applied in defining offensive speech. The often-repeated formula of political correctness is that if something is offensive to *even a few members* of

a small segment of society, then it should be abolished. Starting with Madeline O'Hare, atheists (a tiny minority in the United States) successfully used this argument to have Christian symbols removed from public places; more recently it has been used to justify abolishing American Indian names, non-gender-neutral language, and so on, because a few activists protest. Even if one affirms the goals of people dedicated to removing offensive speech, one can see that the above criterion for offense is unworkable. It is possible to endlessly fracture society into different segments of only a few members. Who knows what may offend some individual somewhere? A more workable criterion is simply to insist that words and symbols offensive to a *large fraction* of a *substantial segment of society*, even if it is a minority, should not be supported by the government, and in a few clearcut cases, perhaps even criminalized.

In this age, the issue of freedom of speech can not be separated from the question of media access. Does a major corporation with thousands of television stations have the responsibility to allow individuals air time? Does a corporation that controls web servers and search engines have the right, or even the responsibility, to block websites that are offensive to some people? On the other hand, if the government may publish propaganda to warn people of real dangers, as discussed in the previous section, how overwhelming may that propaganda be?

One approach regarding public access to media is that of the "public forum." If a private corporation has created a forum for free speech by individuals, it can not reasonably exclude certain kinds of non-criminal speech, e.g. "religious" or "political" speech. To do so would be a deception: the impression is given that the speech represents a true cross section of opinions, when in fact some opinions are excluded. A public disclaimer would be adequate to remove the charge of deception, e.g. "This talk show is only for opinions about sports." A different problem comes into play in regard to very large tracts of private property. Can a shopping mall or airport state simply issue a disclaimer "No religious talk is allowed here," and forbid such talk, because they are private property? This is an extension of the question of unlimited growth of private properties and monopolies, which also relates to questions of "zoning." This larger question will be discussed in the Section 6.2.

The problem of government speech comes from the "cycle of propaganda", foreseen by Marx: if the people hear something often enough, they will start to believe it, and in a democratic society, they will vote for it to be sus-

tained, thus encouraging even more propaganda. One solution would be to forbid all government-sponsored speech, but this is unduly limiting. Should not the government warn people if a hurricane approaches? Two limits seem adequate: (1) the government may not force the people to listen to any of its propaganda, and (2) the government may not *monopolize* any form of propaganda, or method of dissemination of information. Freedom of the press (and the modern version of the press, the internet) means that private individuals may disseminate propaganda that competes with that of government.

Another question arises in regard to regulation of the communication channels. Ought the government control and issue permits for radio broadcast frequencies and web sites? One can make a case that material harm has occurred if a radio station broadcasts at a certain frequency, and a second station starts broadcasting at the same frequency, interfering with the signal from the first. The government may step in to prevent such conflict. It can not regulate the *content* of that signal in any way, except to disallow actual criminal speech (discussed above), without violating the right to free speech.

Yet another issue arises in regard to secret codes and encryption. Do people have a right to unbreakable codes? In Section 2.3, I argued that a legitimate government must be the strongest force in a society. Yet modern mathematics and computing seem to allow the possibility of private generation of essentially unbreakable codes. In principle, plans and records of evil crimes could be sealed off from the government. As discussed above, a legitimate government must be the most powerful force in a society. If such repositories of information were truly invincible, the legitimacy of the government would be threatened. In fact, those who have championed the existence of unbreakable codes in society today have done so primarily from an anarchist perspective. The question may be moot. Any user of a code must have a “key,” or password. If that password is simple, the government can crack the code. If the password is very complex, the user will likely need to write it down, in which case a government search with a warrant could find it.

Modern communications have created a complex ethical situation. Fears rightly exist regarding the possibility of totalitarian government domination of the means of propaganda, on one hand, and anarchy in the form of light-speed propagation of criminal plans, on the other. Within this context, the Christian must affirm a right to free speech, with the understanding that allowing some error to go unchecked and some crimes to go unpunished is preferable to the massive expansion of government which would be necessary

to stop all crimes and falsehoods. At the same time, some speech, whether it is electronic or in person, can be criminal, because words can indeed be evil.

3.3 Privacy

No right has received more attention in recent years than the right to “privacy.” Lefists have interpreted the right to privacy as including the right to abort babies in the womb and the right to practice sexual acts of any nature. When Christians have opposed these “rights,” groups like People for the American Way have portrayed the goal of Christians involved in politics as something like having a sex police that would spy in every household. At the same time, progressives and most Americans have approved of governmental intrusion into the home at any and all times by social workers to root out child abuse and child neglect. Christians have insisted on a right to privacy in how they raise and discipline their children. Does the Bible teach of a right to privacy? What kind of privacy?

To start, I must state the obvious, that a crime can not become a non-crime simply because it occurs behind closed doors. If the state has a right to declare something a crime, then a person can not proclaim his or her household as ultimately off limits and beyond the jurisdiction of the law. Few murderers do their deeds in the open. Can we imagine claiming a right to private murder? To private rape? If we hear a man beating his wife, should we refrain from doing anything because it is a “private” matter? We must conclude that there is no absolute and inviolable right to privacy.

With the increasing ability of government to invade privacy via Orwellian electronic means, we must nevertheless fear the power of government agencies to invade our lives ever more in the name of uncovering crimes, but in the process discovering information that in the wrong hands could give people control over us. Many Christians have interpreted the mark of the Beast on the forehead or wrist in Revelation 13, without which “no one could buy or sell,” as a universal computer identification code issued by the government that would allow it to track people’s actions from birth to death. The thought of that much control in anyone’s hands is frightening (whether or not that interpretation of Revelation 13 is correct.) Knowledge of a person’s intimate affairs gives power over that person.

We ought, therefore, affirm a limit to the right of government agents to snoop and probe without clear justification. My second general principle,

stated above, is “No one can stop all evil from occurring or even know all the cases when it occurs, but to not oppose evil when it is well known is to be complicit in that evil.” A corollary of the first half of this statement is that no one, in particular no government agency, ought to *try* to know all the evil that occurs—to try to do so would involve the most gross invasion of privacy. A corollary of the second half of that statement is that given clear evidence that a crime has taken place, or will take place, the State may and ought to invade the home, private files, etc., of an individual. This concept is embodied in the Bill of Rights of the US which requires a “warrant” for a search of a home. Search in opposition to the wished of the individual is allowed, but only with a warrant, that is, a documented reason, based on evidence of a crime.

So far, I have discussed “crimes” and few will have disagreed with me. The argument comes when one talks about what we may call crimes. Can a sex act between consenting parties be a crime? Can spanking a child? Without commenting on those specific issues at this point, I must affirm that not all parts of life ought to be regulated. “Areas of freedom” exist in debatable matters.

The legal right to abortion and homosexual acts in the United States originated in an expansion of the right to privacy. In the decision of *Griswold vs. Connecticut*, the US Supreme Court overturned restrictions on birth control.⁶ They ruled that the sex act in marriage belongs to an area of private matters into which the State may not intrude. Christians almost universally agree that the sex act is a private matter between husband and wife, not normally to be discussed in public, much less regulated. Although right and wrong do exist regarding birth control, Christians also almost universally feel that (preventative, non-abortive) birth control is an area of freedom for a married couple. The Bible does not give any command to rulers to penalize couples with too few children (or too many.)

The *Roe vs. Wade* Supreme Court decision legalizing abortion built directly on the precedent of *Griswold vs. Connecticut*.⁷ Abortion, related so directly to sex and birth control, fell under the same blanket of “privacy.” Christians depart at this point, however, because they see a third person involved—the unborn child—who undergoes violence. If a man and a woman claimed they needed to kill a one-year-old child in order to have sex, who

⁶*Griswold v. Connecticut*, 381 U.S. 479 (1965).

⁷*Roe v. Wade*, 410 U.S. 113 (1973).

would listen? Pro-choice advocates can not place abortion in the context of a discussion of “privacy” unless they can convince everyone that no harm to a person occurs.

I will present a full discussion of sexuality in the law in Chapter 7. Here I simply conclude that in a just society, privacy should exist and government agents would need a documented warrant, issued by a legitimate authority based on substantial evidence in order to invade it. Such a limitation would inevitably allow some crimes to go on undetected, but the alternative of total government power can not be tolerated.

3.4 Family

In the past few years, the concept of “family values” has become a political issue. Although no one wants to appear “anti-family,” people have widely differing views of what a pro-family stand is. In fact, until the Republicans in 1992 made “pro-family” into a political necessity, many people were anti-family, with serious thinkers calling the family an obsolete concept. These people today tend to portray “family values” in economic terms—the state providing more money, jobs, and time off for families. When conservatives raised the issue of “protecting” the family, however, what they primarily meant was preventing the long arm of the state from usurping the rights of parents to have authority over their own children, and conversely, the state favoring the raising of children in families by making divorce difficult and discouraging sex outside of marriage. Ought such a thing as a family exist, an authority alongside the state, with special rights that the state may not touch?

Before discussing the rights of a family, I must define what I mean by a family. Because of the widespread divorce, marriage without children, and children outside of marriage, there is genuine confusion about what a family is. Many may want to define a family in terms of loving relationships, warmth, etc., and these should certainly characterize an ideal family, but for the purposes of this discussion, a family is any parent or parents with a child, including a child by adoption, or a legal guardian of a child. The Bible sanctions adoption (Christians, indeed, are called the “adopted children” of God in the Bible) and adoptive parents are viewed as having full parental rights—the “birth parent” who has covenanted to relinquish authority can not take it back without the consent of the adoptive parents. In what follows

when I use the term “parent,” I refer to all legal guardians.

In this context, then, the basic issues of family rights are as follows: 1) Do the parents of children (including adoptive parents and legal guardians) have the right to expect obedience to commands they give their children? 2) If so, what kind of punishments may they inflict for disobedience? 3) How long does this authority last during the life of the child? 4) When does the state have a right to overrule the commands and authority of the parents?

The Bible firmly establishes the right of parents to expect obedience from their children. This authority in large part stems from the responsibility of parents to care properly for their children, including protecting them from danger while they are young and preparing them to take care of themselves as adults. Few people today, left or right, deny these responsibilities, and parents who neglect these duties may have their children taken away by the government. Men who father children are tracked down and forced to support those children. Both of these actions by the government are legitimate. Yet without the authority to control the actions of their children, how can any parent be held responsible for their well-being? For example, most people would hold a parent responsible for letting a child lose its life playing in traffic. Suppose a parent and child stand at an intersection and the child wants to cross. If the parent has no right to command the child, he or she can not stop the child from running out into the street. Or suppose we grant the right to issue commands, but no right to enforce them. Then the parent may shout at the child to stop, but may not grab its hand—that would be an act of “violence,” forcing the child to do something without his or her consent, and the “trivial ethic” of our modern day, discussed in Section 2.1, says that is unacceptable. Such a situation is unworkable, and yet that is precisely where many parents feel themselves today: responsible for their children’s actions, yet constrained by their own philosophy or by that of others to avoid any control of the child except perhaps subtle enticement, which rarely works. This leads to my fourth general principle regarding authority:

No one can be held responsible for something that they can not control. Responsibility therefore creates authority.

(3.1)

Parents have authority over their children in the biblical ethic. Yet, just as all human authority is limited, parental authority is limited. Parents may punish children for disobedience, but they do not have the “power of the

sword”: the right to kill or maim their children or do otherwise irreparable damage, such as locking them in a cell for years. Only the state has that authority. The Bible makes it clear⁸ that if parents feel a child has committed a crime worthy of death, they must argue their case before the civil authorities as they would for any crime—they may not privately put their children to death.

The Bible clearly teaches, however, that the “rod” is an acceptable (if not indeed preferred) means of punishment.⁹ While physical damage is forbidden, inflicting temporary pain is not. In fact, the distinction between temporary pain, imprisonment (now called “time out”) and withholding things a child wants is vague. If a child does not want to go to prison (“time out”), will the parent drag him or her there by force, thereby using “violence”? What if a child would rather have a 30-second spanking, followed by a hug, than lose the right to watch TV for an entire evening? If spanking teaches a child that violence is acceptable, as is often argued today, then does “time out” teach a child that it is okay to lock people in small rooms, and does denying things the child wants teach the child that it is okay to take things from other people? The saying that “spanking teaches a child that violence is an acceptable way to resolve problems” is idiotic because it neglects the concept of legitimate authority. One must make a clear distinction to children between *use of force in response to violence* or other crimes, and *use of force as a means of getting something selfishly*. Parents can clearly teach children at an early age that legitimate authority exists, that parents have legitimate authority over their children, and that parents also are under authority, with responsibility not to abuse their authority for selfish desires.

Various studies on spanking which purport to show negative consequences have invariably ignored the differences between parenting styles.¹⁰ These studies are flawed because anyone who ever hits a child is labeled as a spanker. There is a huge difference, however, between “judicial” spanking and “lashing out.” In “judicial” spanking, the parents issue clear warnings, then “hold court” and weigh evidence, allowing the child a chance to explain himself, then spank in a controlled manner, and finally reconcile with the child afterwards (often with hugs). Very few people do this. By contrast, many people

⁸Deuteronomy 21:18-21. See footnote below for further discussion on this specific law.

⁹Proverbs 13:24, 22:25, 23:13-14, 29:15

¹⁰M.L. Gunnoe and C.L. Mariner, *Archives of Pediatric and Adolescent Medicine* **151**, 768 (1997); see also http://www.mlive.com/news/grand-rapids/index.ssf/2010/01/is_spanking_children_ok_calvin.html.

“lash out” without warning and without any message of justice to the child (including many people who say they do not spank, but get so upset at their children that they eventually blow their tops). Often a “tongue-lashing” or “guilt trip” serves the same purpose and produces the same kind of alienation of the children of non-spankers. I predict that any study which compares “judicial” parenting, in which the parents clearly and consistently convey their role of authority, to “reactive” parenting, in which the parents simply react to situations without consistency or clearly explaining their rules, will show much greater emotional health in the judicial case, independent of what forms of punishment are used.

How long does a parent have this right to issue commands to the child? Is there an “age of majority”? Few would deny that a parent should have as a goal that the child should grow up to be independent and able to make decisions alone, not continually dependent on a parent. But what if a parent gives a command to an adult child? Bill Gothard in his Christian seminars has taught that the adult child must, in fact, obey.¹¹

The Bible does not clearly speak of an “age of majority,” but it does support the idea that parents do not have authority over their children forever. Genesis 2:24 says that “a man shall leave his mother and father and cleave to his wife,” and Hebrews 12:10 says that our fathers discipline us “for a short time.” The context of this passage in Hebrews is that the time of submission of children naturally comes to an end. In regard to what age should be the cutoff, in the Law of Moses, only those who were twenty years or older were considered independent people able to go to war and to be counted in a census.¹²

From a legal perspective, the only punishment parents may exercise over disobedient adult children is the right to disinherit them. (Spankings would seem to be little deterrant to an adult child!) The state must uphold a legal will disinheriting a child, but it has no other mandate to enforce parental commands.¹³ On the other hand, the Bible says that a child may never escape

¹¹See D. Veinot, J. Veinot, and R. Henzel, *A Matter of Basic Principles*, (21st Century Press, 2002).

¹²Numbers 1:3, 20-45.

¹³The case in the Bible in which an adult child is taken by his parents to court for the death penalty (Exodus 21:17, Leviticus 20:9), which was approved by Jesus (Mark 7:9-10), indicates more than mere disobedience or verbal cursing—as expanded in Deuteronomy 21:18-21, the child was found guilty of profligacy and a number of other evil behaviors. More than just an outburst of anger is in view, but a true “curse” of one’s parents. See

the responsibility to care for aging and impoverished parents. Jesus makes it clear that the command to “honor” parents includes financial support, and giving the money to charity instead does not let a child off the hook.¹⁴

While we may recoil at the abuses of government social workers in taking children away from parents, we must nevertheless uphold the mandate of government to remove children from parents when there is a clear risk of danger to the children. Just as governments may lose legitimacy by lack of benevolence, so may parents. Just as responsibility creates authority, abrogation of that responsibility removes the right to that authority.

This statement must be qualified in two ways. First, the rule of “innocent until proven guilty” must prevail in the judgment of parental neglect cases as well as in other crimes. In the US a parent accused of neglect or abuse is guilty until proven innocent in many cases, with the children taken away (or visiting rights denied, in the case of divorced couples) as soon as accusations are made, instead of after they have been proved. The logic used in these cases is the same as that used to justify the suspension of normal justice in witchcraft trials in previous centuries: that the greatness of the crime demands that swiftness of punishment take precedence over careful justice, in order to prevent the possibility of further crimes of such a heinous nature. This logic is no more valid in the case of child abuse than it was in regard to accused witches. The opposite is true: the greater the crime a person is accused of, the more methodical and careful justice must be, so as not to wrongfully inflict a terrible punishment. Taking children from a parent is indeed a terrible punishment, and ought not be done lightly.

Also, the definition of parental neglect or abuse must be interpreted narrowly. We may not think that a parent has chosen the best for a child, but that does not give us the right to take that child away from the parent by force. Specifically, the state has no general right to force children into an educational system. A basic right of all parents is the right to teach their children what they believe and train them up as they see best. Only when that education becomes training in evil (e.g., teaching children to be thieves) does the state have a right to intervene.

This position contradicts much of modern philosophy, which essentially sees all children as wards of the state which the state has loaned back to the parents for the delegation of some parts of their care. When home schooling

Section 3.2 for more on the concept of a curse in the Bible.

¹⁴Mark 7:8-13.

was debated on national TV, some people asked, seriously, “What right do they have to keep their children home?” A better question is, “What right does the state have to enforce exposure of a child to propaganda against the parents’ wishes?” To deny a parent the right to control the education of a child is to fundamentally deny the authority of parents over their children.

This sentiment often works itself out in terms of a crusade for “children’s rights.”¹⁵ As presently expressed, this primarily refers to a right of children to “feel loved” at all times. The state may take children from parents, or otherwise punish the parents, not merely on the grounds of abuse or neglect, but if the child simply does not “feel loved” and finds other parents who seem nicer. (Such laws already exist in several European countries.) Even assuming the competence of a child to make such an evaluation, divorce from parents has all the same problems as marital divorce, particularly the existence of third parties who are not unbiased, which I will discuss in Chapter 7. It goes without saying that a right to “feel loved” at all times, with the sword of the state to back up that right, would completely undermine any parental authority, since a child who does not like his or her parents’ punishments may simply turn the parents in to the police. The state then would remain as the only real authority in a child’s life.

The net result of such a right would seem primarily to be a reduction in the number of children, since few parents would be likely to go through the great financial and physical sacrifice to have children, only to find that they have no means of ensuring their children’s safety, good behavior, and preparation for adulthood, since any discipline may bring the loss of their children, other punishments from the state, or even merely a long legal proceeding, if the child informs the state of “lack of love.” In fact, birth rates have plummeted in countries in Europe which have embraced such restrictions on parenting, perhaps coincidentally, and perhaps not.

3.5 Taxation and Drafts

May the government confiscate property? Many libertarians make no distinction between a tax and money stolen by a gang of thugs. As discussed in Section 2.3, however, a crucial difference exists between a legitimate govern-

¹⁵See “Convention on the Rights of the Child,” Office of the United Nations High Commissioner for Human Rights, <http://www2.ohchr.org/english/law/crc.htm>.

ment and a gang of thugs. The Bible affirms repeatedly¹⁶ that a legitimate government has a right to a tax.

On the other hand, the Bible also affirms a right to private property (we will return to this in at the beginning of Chapter 6). The government ought not confiscate *all* property in the land; in fact, a tax in excess of 10% of income is equated with tyranny at one point in the Bible.¹⁷ The Law of Moses expressly forbids accumulation of wealth by the king at the expense of the people.¹⁸

One cannot talk about taxes without fully recognizing their *involuntary* nature—if a person does not pay taxes, the police can confiscate his property and person, at gunpoint if necessary. This leads to another general principle of government,

A tax is legitimate only if it is spent on something that is so important that no one can legitimately refuse to pay for it.

(3.2)

The error of the Left is to ignore the involuntary nature of a tax and assume that *anything* is a legitimate use of taxes as long as it is *good*; the error of the libertarian Right is to act as though *nothing* fulfills the above requirement.

Many things exist which are communal priorities, such as libraries, schools, etc. The question of taxation for these things must go beyond merely discussing whether they are good ideas. Voluntary contributions or user fees could support, and have supported, many of these kinds of things. Leftists frequently characterize rightists as heartless or lacking community values because they oppose taxes for these things, but the leftists usually fail to demonstrate the moral imperative that demands that no person, on penalty of imprisonment or worse, may opt out of paying for any of them.

Some things clearly do fit the above condition, e.g., police and fire protection. To limit taxes only to support for armies, police, and other types of “defense” may be too narrow, however, and the Bible does not explicitly require this.¹⁹ Libertarians often pass over much too quickly the dangerous consequences of allowing an uneducated, impoverished underclass to exist,

¹⁶E.g., Matthew 22:21, Romans 13:6-7.

¹⁷1 Samuel 8:17.

¹⁸Deuteronomy 17:16-17.

¹⁹The actions of Joseph as a government leader in Genesis 41, for example, in which he collected taxes for food provisions, appears to be commended. See Section 6.6.

or the difficulty of defending and policing a society with no transportation or communication infrastructure.

How the government may collect taxes fairly is a separate, pragmatic question. Section 6.8 will address approaches to tax collection.

Drafts. Related to the power to tax is the issue of the power to draft people to do work directly, which is essentially a tax on people's time. Like taxes, the Bible does not outright forbid governments to exercise this power, but speaks of a draft of too much labor as oppression.

Specifically in the case of war, the law of Moses required that no one could be required to serve as a soldier against his will. Men were allowed to leave the battlefield for the sake of taking care of their homes, families, businesses, or simply because they were afraid.²⁰ This principle recognizes the seriousness of war, and also ensures that if people do not support the war out of concern for its legitimacy, they cannot be forced to fight against their conscience.

Under King Solomon, a different type of draft was instituted, which required labor for public works.²¹ This practice was not condemned by the prophets, and indeed, the prophet Samuel seems to affirm the power of the king to demand forced labor in the same speech where he affirms the power to tax.²² Yet Samuel does not present this as a good situation, but as oppression. Later on, Solomon's son Rehoboam is portrayed as a foolish man for demanding too much forced labor.²³ No exception of conscience is indicated for these drafts of labor for public work, but like taxes, the overall picture of the Bible is that a government which raises its demands too high is foolish and oppressive. While the great works done by drafted labor under Solomon are celebrated in the Bible, the higher level of forced labor under Rehoboam undermined the legitimacy of his reign. When half of Israel eventually seceded from the government of Rehoboam because of his excessive draft demands, the narrative of the Bible supports the view that his government had lost its legitimacy. The northern half of Israel, which never returned to the southern government, is eventually condemned, but not for its secession, but instead for its turning away from proper worship of God. We will discuss the right to secession further in Section 3.7.

Eminent Domain. A third type of taking by the government is known

²⁰Deuteronomy 20:5-9.

²¹2 Samuel 20:24, 1 Kings 5:13-14, 9:15, 11:28.

²²1 Samuel 8:11-17.

²³1 Kings 12.

as the right of eminent domain. Governments sometimes seize whole tracts of private land to use for public purposes. Clearly, if this practice has no limits, it can easily lead to tyranny; any enemy of the government could have his property seized, and this has happened in tyrannical governments many times in the past. On the other hand, one could argue that a corollary of principle 3.2 above is that seizure of lands is legitimate if the use of the land is for something that is so important that no one can legitimately refuse to give land to it. An example of such a purpose might be the need to build a wall of defense to stop an invading enemy. An example of something which certainly fails this test would be the desire to build a new shopping mall.

If the right of eminent domain is used, justice demands that the owner be compensated by fair market value for his property or by equivalent replacement, that the owner be given adequate notice, and that the owner have the right to argue in court that the purpose of the seizure fails the legitimacy test given above.

3.6 Controlling the Use of Private Lands

Given the existence of private property, another issue arises in regard to “zoning.” If a government does not actually confiscate property, to what degree can it restrict the use of that property? In particular, to what degree can a government outlaw certain practices which are not universally crimes in themselves, merely because of *where* they take place?

In one formulation, a government, whether federal, state, or local, can dictate the use of private property only if a known evil could occur. Some things, indeed, fit this description. The Bible affirms a right of government to hold people responsible for endangerment to others on their own property—e.g., if I do not have a fence around a high porch on my property, and someone falls, or if I have an ox known to attack people, I can be held accountable for criminal negligence.²⁴ One exception remains: no *ex post facto* regulation. If an oil refinery locates in a remote area and then people move in near to it, they can not complain about the air quality and regulate it after the fact! We will return to this issue in Section 8.5.

A different formulation looks more closely at the idea of “incorporation,” however. Suppose a number of land owners decide to pool their holdings and form a corporation. (We will look at the concept of incorporation more

²⁴Deuteronomy 22:8, Exodus 21:29.

deeply in Section 6.4.) Shareholders in the corporation vote on the rules of the organization, which may be restrictive; e.g., no highrise buildings, grass must be cut, everyone must pay “dues,” etc. The land owned by the corporation may not be sold off; rather, shares in the corporation may be sold which confer the right to live on the land as long as the shareholder follows the rules.

This is the exact legal state of a new type phenomenon known as a “gated community.” But it also effectively describes the status of many incorporated cities in the US. Zoning laws function simply as the rules of membership in the corporation. No one feels threatened by the existence of such cities, because everyone implicitly assumes that anyone has the right to leave. If you don’t like the club, you quit! What if such private organizations grow to the point that they own most of the land of a country, though? The idea of freedom of association, e.g., private clubs saying “No blacks allowed” or “no Republicans allowed,” seems more reasonable when the clubs are small; if the “private club” controls most of a city or an industry, however, injustice seems inevitable.

This returns us to the issue of the unchecked growth of private property, mentioned above in the context of freedom of speech. A small store saying to its employees “no religious speech,” seems reasonable; a large shopping mall that has become the center of a city’s social life making the same restriction borders on oppression, because people may justly feel they have no other public place.

The unchecked growth of private property can ultimately threaten the legitimacy of a government. As stated in Section 2.3, a legitimate government must be the strongest force in society. When certain individuals or private organizations control so many resources that people rely on them for their daily bread and shelter and permission to speak, those entities have effectively become the governing powers. This, in fact, was the status of England and many other European nations for many centuries—the landowners made all the rules.

The government of the United States has historically addressed this problem primarily via “anti-trust” laws, and most Americans, including Christians, have embraced these measures. Capitalism, which relies on competition to produce efficiency, must turn to government to resolve its central dilemma, namely, that every competitor has the goal of eliminating competition. These measures put a huge amount of power into the hands of those who judge anti-trust violations, however, effectively putting government in

charge of everyone's business. The Law of Moses, alternatively, vested all citizens with a tract of the land that could not be sold out of the family for more than 70 years. Since each family had a permanent inheritance, no family could rise to the point of controlling everything.

The laws of Moses on land ownership do seem to give precedent to the concept of vesting all people with some control over a place and thereafter allowing private decisions regarding the use of that property. Giving each member of society a one-time stake of "forty acres and a mule" would then not seem an unreasonable way to prevent the abuses of power associated with the unlimited accumulation of land into the hands of a few. I return to discuss the problem of the unlimited growth of private property in Chapter 6.

3.7 Secession and Rebellion

When may a person or group forsake citizenship in a country, and claim immunity to its laws? The founders of the United States in the Declaration of Independence claimed a universal right of people to separate from leaders they consider tyrants; a mere 90 years later the United States refused to allow this right to the Confederate states and fought a bloody war to preserve the Union at all costs. In this century many have talked about a "right to self determination," i.e. the right of ethnic groups such as the Bosnians to choose their own government. White South Africans or Ku Klux Klan members who have tried to create a "white homeland" on the basis of the same principle have gotten less sympathy, however.

As discussed by Francis Schaeffer in *A Christian Manifesto*,²⁵ a general principle of government is

The Christian must affirm a right to secession and rebellion in the ultimate case of a completely illegitimate government. Without this final option, there is no end to the evil in which a Christian citizen might remain complicit.

(3.3)

This statement implies a strong requirement, however: secession requires a conscious decision that the government is completely illegitimate. This has several corollaries:

²⁵F.A. Schaeffer, *A Christian Manifesto*, (Crossway, 1981).

Corollary 1: *Ethnic differences alone are not sufficient to justify secession.* Ethnic differences may legitimately lead to secession in only two cases: first, if the government persecutes or oppresses a certain ethnic group (e.g., the Jews in Egypt or the Jews in Germany), in which case it is not legitimate for *that group*; or second, if the ethnic group originally had its own government, has been attacked by an outside power, and still has a legitimate government of its own.

Corollary 2: *We can not pick and choose which laws to obey if we remain citizens of a legitimate government.* Although some of its laws may be unjust, if we have not declared a government illegitimate, then we must submit to that government. No one will ever agree with all of the laws of any society. If all people only obey the laws they like, then law does not exist at all.

The only exception is cases where to obey the state would actually require us to disobey the direct commands of God, who is a higher authority.²⁶ In the case of civil disobedience by Christians who feel they must disobey the state in order to obey God, they are not setting up arbitrary standards, but appealing to a higher standard which is explicitly stated in the Bible. In this case they must be willing to stand up to own their principles and explain them publicly. Like any other group that disobeys the government out of allegiance to a higher authority, whether religious or philosophical, Christians who engage in civil disobedience must accept that the government will hold them liable to whatever penalties apply. Justice demands that judges in the government rule according to the written law of the land, not the private consciences of individuals, until such time as the principles of those people become the law of the land.

In no case does the Bible tell individual Christians to usurp the role of government in punishing crimes. As discussed in Section 2.1, government is by definition that body in society authorized to judge and punish crimes; the essence of justice is mediation by universally-recognized third parties. To take up the role of judging and punishing crimes is by definition to declare the government illegitimate and to secede.

Vigilantism has risen in the United States, and many people approve of it. For example, many people approved when a mother shot the man who sexually abused her son, when a woman cut off the penis of her husband who abused her and forced her to get an abortion, when a man shot another man whom he found in bed with his wife, and when a pro-life protester shot an

²⁶“We must obey God rather than man,” Acts 5:29.

abortionist. In each of these cases, the person under attack arguably deserved the punishment. Yet vigilantism strikes at the roots of governmental justice, and leads to anarchy if enough people practice it.

All vigilantes are traitors and rebels against the government. The same holds true for people who withhold taxes, steal from the government to “compensate” for wrongs, etc. Until such time when one can honestly declare a government illegitimate, one must work within the system for the change and justice.

Corollary 3: *A legitimate government has a responsibility to prevent secession for evil purposes.* No government can remain a government if people in certain areas can suddenly declare themselves “off-limits.” In that case every band of criminals would declare itself a new country.

Corollary 4: *Governments have a right to intervene in places where there remains no legitimate government.* In this century, legitimate government has apparently collapsed and only oppression by thugs remains. Such has seemed the case in Panama, Haiti, Somalia, and Yugoslavia. Actions by foreign nations to create a legitimate government can be justified when a people can not create its own. Yet this must be undertaken with fear and trembling. Conditions for a just war are discussed in Section 4.3.

Some might take from this discussion that I would have supported the South’s right to secede from the US. Quite the opposite. Despite all the best argumentation that I have read, I cannot concur that the federal government was completely illegitimate by the same standard that led Jesus and Paul to declare that Rome was legitimate. The federal government did not oppress the people nor wantonly disregard the rule of law; rather, the Southerners allowed oppression of the slaves in their midst and seceded primarily to prevent the properly passed laws of the nation from abolishing this system which they relied on. (Anyone who believes that slavery was not the main issue in the South’s secession should read the letter to all the churches of the world issued by the Southern Presbyterian Church after they seceded from the North. They clearly define slavery as the main issue, and defend it on the grounds that negroes are an inferior type of person not able to live properly without the paternal hand of white discipline.²⁷) The case is made somewhat murky, however, by the question of whether there was an understanding that states could leave the federal government at will. Well

²⁷The text is reprinted in J.E. Richards, *The Historical Birth of the Presbyterian Church in America*, (Liberty Press, Liberty Hill, South Carolina, 1987).

before the Civil War, this was much debated and not a settled point of law; clearly the South felt that they could, but there was no clear statement to this effect in the Constitution.

On the other hand, the case can be made, though it is not trivial, that the secession of the colonies in the American revolution was justified. The Declaration of Independence lists a long list of types of oppression; though these may seem mild by the standards of modern tyrants, many colonists did live in fear that the British troops might take over their houses or instigate native American attacks on them. They also had a vivid memory of the actions of the British government in northern Ireland, when the government revoked the right of people of churches outside the state church to marry, effectively treating them all as adulterers if they married in their own churches, and barred them from all kinds of jobs, and before that in Scotland when hundreds or even thousands of pastors were killed by the British. Furthermore, the colonies felt strongly that their original charters gave them the right of self rule, so that they had legitimate governments which were under attack. Whether or not we agree with their conclusions on these points, the founding fathers argued on the right lines—that one government had lost its legitimacy on grounds of oppressiveness, and a legitimate alternative existed. They did not propose lack of government; they argued that an alternative government had more legitimacy.

A blanket right of secession would mean that any city or any county could declare itself a new country and operate outside the laws of the rest of the country. On the other hand, a blanket rejection of secession would have Christians refusing to work against Hitler or Stalin. Secession is a last resort, an incredibly serious decision, and one which cannot be invoked for mere economic or ethnic identity reasons.

3.8 Gun Control and the Right to Bear Arms

Perhaps no issue creates as much emotion in the United States as the issue of gun control. Many advocates of the right to own guns see this as the last defense of freedom—if the government takes away everyone's guns, this is the beginning of tyranny. There is no question that, historically, the first act of oppressive regimes has almost always been to disarm the populace.

It should be obvious that the real issue here has nothing to do with hunting. It also has little to do with personal safety, though that is an

important secondary issue. The primary issue is the ability of the people to overthrow their government through force of arms. If only the government has weapons, then if it becomes oppressive, there is nothing the people can do. Recent history has given plenty of examples of regimes hated by nearly all the people, yet which are remarkably stable, because crowds of unarmed people are no match for a few soldiers with tanks and machine guns. The right of people to bear arms is the limit on government of last resort.

Advocates of the right to bear arms often resist any limitation on this right whatsoever. Just a little consideration, however, shows that the right to own weapons cannot be *completely* unlimited. Suppose, for example that any individual could own a nuclear bomb. Then the nation could be held hostage by one crazy person. The government would not be the strongest force in society, one of the criteria for legitimacy discussed above, and society would be effectively an anarchy, with many individuals able to make demands backed up by weapons which the government could not stop.

Somewhere between handguns and nuclear weapons, there must be a cut-off, then. How can we draw the line consistently? There are two principles that help define this. The first is that individual control of weapons ought to be encouraged if the weapons are of the type such that *if they were used by a large majority of the population, this majority could overthrow the government*, but *not if the weapons are of the type that a small minority could use them to threaten the government*. In other words, the government should be the strongest force in society, as discussed in Section 2.3, but above the government itself should be the power of the whole society. This is consistent with the principle of decentralized power discussed in Section 4.1.

On this principle, in terms of present-day weapons, this would mean that universal ownership of rifles and handguns is legitimate (What government could stand up to an entire populace armed with guns?) but private ownership of missile launchers, tanks, and bombs is not (a few extremists could easily terrorize larger populations with these).

The second principle is that of federalism and deputization, which we will discuss in Section 4.1. In this concept, each individual can be deputized to carry a single gun, for self defense or rescue of the innocent when the local police cannot come to the rescue fast enough. Larger weapons could be held by local police and state militias or equivalent, which would require stricter standards of certification. The principle above still applies: no single local police force, and no single state, should be able to threaten the power of the federal government, but all of them acting together should comprise a viable

counterbalance to the power of the central government.

3.9 Licensing

It may seem uncontroversial to most people, but for completeness we must ask whether a government has the authority to *license* various activities, that is, prohibit people from engaging in otherwise legal activities unless they demonstrate expertise. The moral authority for this power can be found in two principles. The first is the duty of government to protect the people from harm. As mentioned in Section 3.6, criminal negligence is a biblical concept; in other words, engaging in activities known to have high chance of danger is irresponsible and culpable. One way that criminal negligence can occur is if certain activities are done by non-experts which are known to be dangerous unless done by experts with proper training. Thus, activities like driving a car, practicing medicine, using a gun, operating heavy machinery, working on electrical circuits, or leading people on mountain expeditions, may be limited to those with licenses certified by the government.

Another type of licensing rests on the role of government in preventing “varying weights and measures,” that is, false claims which could substantially harm others who trust them. The Bible condemns lack of trustworthy standards as an injustice;²⁸ essentially, those who are not qualified to judge for themselves whether a claimed standard is a lie will be oppressed. False claims to expertise are also a type of false witness. Of course, mere bragging on small matters such as golf skill is not in view here. Claims to expertise become issues of the whole community when serious damage could occur from people trusting supposed experts. So, for example, experts called on for factual evidence in judicial proceedings, in which a person’s life could be destroyed, lawyers giving advice for judicial or other legal proceedings, financial experts giving investment advice, those responsible for the construction of buildings or other large works, all could do great harm. The government has a responsibility to assure “equal weights and measures” in terms of the measure of a person’s expertise.

Of course, the risk exists that a corrupt government given the power of licensing could use this to effectively outlaw certain legal activities altogether; for example, the standards for gun training could be set unreasonably high,

²⁸Leviticus 19:36, Deuteronomy 25:13, Proverbs 20:10, 20:23, Micah 6:11.

so that no one qualifies as eligible to own a gun. In the same way, as discussed in Section 5.2, a corrupt or prejudiced government might establish a competency test for voting, i.e a “voting license,” that is unreasonably high, thus disenfranchising a whole section of the populace. Nevertheless, having standards for competency for various activities can be seen as a crucial element of preventing injustice by not allowing charlatans make all kinds of claims of expertise to proliferate. To prevent this power from being abused, the government should have to show that the activity being regulated is very likely lead to serious harm to people if done by people with no real expertise or training.

In some cases, the amount of certification needed might be simply the willingness of the person to put their name down on paper, so that if harm occurs, they can be held responsible. This might be adequate, for example, in issuing licenses for camping or very small weapons. In other cases, the only purpose of a license may be to prevent too many people from doing something. This might the case with hunting licenses (to prevent destruction of the animal population and environment by overhunting), or with building licenses to prevent too much development which would strain water, roads and other resources.

Chapter 4

The Power of the Sword

From my discussion in Chapter 2 it is clear that I uphold the legitimacy of the use of the “sword,” i.e., violence if necessary, by government to oppose evil. Just how much force may a government use, when, and what kind? We have seen in Chapter 3 the need for limits on governmental authority. In the same way, the Christian must affirm limits on the right of government authorities to use force.

4.1 Decentralized Control

The maxim “power corrupts, and absolute power corrupts absolutely” applies first and foremost to the power of the sword, and the power of the gun. If one person or group has control of all deadly force in a society, the sinful nature of man makes it certain that tyranny will result.

The founders of the United States established two methods of keeping all power out of the hands of an elite. The first was federalism, which allowed states to form their own militias, and the second was the Second Amendment, which allowed private citizens to own weapons. There is no doubt, given the history of Europe and the British colonies, that the insistence on the freedom to own weapons had everything to do with preventing tyranny and had nothing to do with hunting and collecting. A tyrant can not easily oppress an armed populace. Conversely, as the world saw in Tienanmen Square, even when the majority of people oppose the government, if they have no weapons and the government has no scruples (unlike the British government in India) then oppression and tyranny are easy.

On the other hand, as discussed in Section 3.8, can anyone imagine a society in which everyone, including children and insane people, has access to cheap and available nuclear weapons or other weapons of mass destruction? Any tantrum or depression could cause a major catastrophe. This extreme example illustrates that everyone agrees to *some* limitation on private ownership of weapons. Clearly a point of balance must exist.

In Section 3.8, we discussed limiting the power of each individually-owned weapon. Another balancing principle is a system of “generalized federalism.” In a federal system, individual states or provinces openly stock weapons and train forces with the permission of the central government. These state militias exist with the blessing of the central government but do not directly take commands from it. In the case of tyranny (e.g., a military takeover), these militias would exist as separate entities not in the direct chain of command of national armies, capable of opposing the illegitimate powers.

In the same way, local police forces exist with the blessing of each state or province. Each community decides what weapons to stockpile and what people to train. People in the US generally trust their police as friends because they represent the community, not some distant occupying power. In places where that trust has broken down (e.g., the inner cities of many US cities), people have come to perceive the police as foreign conquerors from the suburbs. The key to this local trust lies not in how many seminars or banquets police attend, but in *control*—the more control local bodies have over their police, the more they trust them.

Finally, each police force can deputize individuals to carry arms. It may seem counterintuitive, but a society can be safer if large numbers of law-abiding citizens carry weapons than it would be if numerous defenseless victims faced armed bandits, with their only protection a telephone call to police a half an hour away. A stability argument like the one in Section 2.4 can be made against complete disarmament at any level.

The principle of federalism requires that each subordinate power keeps its weapons by permission of higher powers. If a subordinate power abrogates its responsibility by turning to evil, the higher power must revoke its right to control of weapons. As discussed in Section 3.7 above, subordinate powers may and must use their arms without the permission of the higher power only when rebelling against a truly illegitimate government. Federalism demands, however, that higher powers not confiscate weapons without warrant. The right to bear arms, at any level, like the right to privacy, falls only when valid suspicion exists of enacted or intended crimes.

Law-abiding citizens ought not fear registering with local police and declaring openly their possession of weapons. A “secret cache” of weapons, on the other hand, invites suspicion and accusations of criminality. Police, by the same token, ought not fear enlisting the aid of responsible individuals; indeed, ought not prevent it without just cause.

The key to this system is the distribution of control, including substantial local control. In this regard, I find it frightening that few people in the US have questioned the new system of federal control of the police system, which has occurred almost without debate. This has occurred in the form of federal “grants” to localities for hiring police. It is easy to see the next step, which is that if a local police force does not obey the federal government, it will have its grants taken away. After years of dependence, many police forces will not be willing to lose that money. This is exactly the way by which the federal government took over the education system. Local school systems were never nationalized, but they became so reliant on the federal grants that they obey federal mandates at all costs. The federal government has also taken control of the private university system in the same way, by giving grants in the form of student loans, which the Supreme Court ruled, in the famous *Grove City* decision, may be taken away if the college does not comply with federal rules. It is therefore not hard to imagine the same happening with local police, which, of course, many leftists would see as a good thing. Hitler used the same strategy to control the churches in Nazi Germany. By paying the salaries of many pastors from the government, he ensured that most pastors would not oppose him out of fear of losing their salary.¹ Christians must insist that if we are to have elements of society which act as checks against the power of the federal government, they must not take its money.

On one hand, the moral argument for a decentralized federal system is that it is pragmatically the best way to implement a system that takes into account the clearly biblical principle that absolute power corrupts absolutely. It is hard to argue that federalism is the only possible system which could be used to prevent accumulation of power in one small set of people. On the other hand, there is ample precedent in the Bible for this type of system. The nation of Israel in the Old Testament had essentially a federal system: the whole country was broken into twelve tribes in different sectors of land which were largely self-governing. In addition, each city had its own elders

¹This story was told to me personally by the pastor of the Ludwig-Hofacker church in Stuttgart, Germany, in 1991.

who sat at the city gate to judge on legal disputes. There is also precedent in the way that Moses organized the nation of Israel before they came into their land; the whole nation was broken into leaders of 1000's and 100's so that not every judicial matter came before Moses,² but only difficult cases in which appeal to higher authority was made. Once Israel was settled in the land, Moses told them to continue to use a similar system and to refer difficult cases to the higher authorities.³ In that case, the division was to be by geographical area, instead of a strictly numerical division. One obvious reason for this division of authority, expressed by the father-in-law of Moses in the story in the book of Exodus, was simple pragmatic efficiency: having one power decide everything creates a bottleneck and also wears out that central power.

4.2 Punishments

4.2.1 The Basis for Punishment

The Bible as well as our moral sense demands that criminals be punished. As discussed in Section 2.2, it is too simplistic to see punishments as merely a deterrant to future crimes, although the Bible affirms this as a motivation for some punishments: people “shall hear and fear.”⁴

One also can not understand all punishments in terms of rehabilitation of the criminal, though this also may be a welcome side benefit in some cases. The death penalty, or for that matter, life in prison without parole, allow no possibility of rehabilitation. Some have opposed these punishments for that reason. Yet God himself punishes some people in hell with no plan for rehabilitation. Punishment can not therefore *intrinsically* have its basis in rehabilitation. Pragmatically, rehabilitation programs in the US have generally been a resounding failure—unless the criminal personally decides to be rehabilitated, no governmental program can cause it, as Chuck Colson has made clear.⁵

Punishment also can not only be understood only in terms of protec-

²Exodus 18:21-25.

³Deuteronomy 17:8.

⁴Deuteronomy 19:20.

⁵C.W. Colson and H. Fickett, in *The Good Life*, (Tyndale House, 2005), pp. 362-364; see <http://nicic.gov/Library/019041>.

tion from criminals. As discussed above, the Christian concept of limited of government demands that we must let some criminals get away. To remove a significant fraction of all criminals would require remendous invasion of privacy and overpunishment.

The deepest reason for punishment lies in the fact that our consciences scream out at the injustice of publicly allowing a person to continue to benefit from evil. This sense of justice is so deep that the only way we can avoid neurosis at the thought of a known criminal not getting justice is to change our sense of morality—to pretend to ourselves that the crime wasn't so bad after all. As the old adage says, "He who allows a criminal to go free punishes those who do good." It is hard work to restrain from evil. When one person does evil publicly and goes free, every person who has refrained from evil feels betrayed. To return to example of the day care center, when one child hits another, if the hitter is not punished, then the hittee immediately feels as though the teacher approved of the act, as though the teacher has hit him personally. The hurt child may decide to start hitting too, or he may conclude instead he is a natural victim and learn to hide. Either way, a deep sense of hurt and injustice is engendered. Adults feel no differently. If a Congressman were to rape a woman on the steps of the Capital building, and go utterly unpunished, would not every woman feel personally attacked? Even if such a thing happened only once, and the justice system otherwise always acted properly, the symbolic and public nature of such a crime going unpunished would undermine the entire system. "Anecdotes," that is, one-time occurences, are not unimportant when they are outrageous enough.

The need for punishment has nothing to do with the philosophical debate about free will. Many people have accepted the idea that societal pressures, family pressures, genetic makeup, etc., may have influenced a person to perform a crime, and therefore when such influences become known, they agree to lessen the punishment of the criminal or even to forego punishment altogether. In our day this has led to juries in America letting confessed murderers go free. There is no doubt that societal and family pressures, and so on do act as causes for crimes. These considerations should have no bearing on deciding punishment, however! Returning to the law of day care center of Section 2.3, suppose that one child, who was beaten by another, sees that the teacher has observed the act and has said and done nothing. The beaten child will feel the teacher has no concern for him, regardless of *why* the first child did the hitting. Perhaps that child had a genetic makeup that predisposed him to hitting. Perhaps he learned to hit by being hit previously by

others. It makes no difference. Every other child who witnesses the act go unpunished will feel simultaneously (1) that hitting is allowed, and (2) that he or she is a potential victim. The children will tend to start hitting each other, unless perhaps they fear being hit back. “Vigilantism” will rule the classroom.

The above discussion of the example of the day care center is not imaginary. In fact, in much of America today, children take guns and knives to school because they have no trust that the school authorities will protect them. Students who shout at their teachers and beat their fellow students get mild or no punishment, and even murderers get mild sentences from “juvenile court” and return to the classroom. Yet people wonder why children carry weapons to school.

4.2.2 False Witnesses

Some people have opposed strict punishments because the possibility exists of punishing an innocent person. If the punishment is death or years in prison, there will be no way to ever repay the person wrongly punished.

Both these people and many advocates of strict punishment and the death penalty have largely ignored the important Biblical injunction that serves as a balance: the command of reciprocal punishment for false witnesses. This principle says that whatever punishment could fall on the person on trial, should fall on a false witness in the trial.⁶ A false witness in a murder trial is liable to the death penalty! We may extend this principle to include the same punishment for any judge or prosecutor who knowingly allows false witness to occur. This principle was driven home by making the witnesses the first to throw stones at the guilty person in a capital offense. Although public stoning seems heartless to modern people, the practice ensured that by participating directly in the punishment, witnesses were directly committing murder if they had testified falsely, and therefore were liable for murder.

This radical practice would have a chilling effect on the legal world. One might ask, “Who would ever testify?” Only witnesses who felt absolutely certain. Effectively, then, only blatantly witnessed and proved crimes would be punished. This is consistent with the discussion in Sections 2.2 and 3.3 that the government can never try to punish *every* crime. Allowing some criminals to go free is preferable to the unlimited invasion of privacy and the

⁶Deuteronomy 19:16-19.

unchecked power of judges and prosecutors who can destroy other people's lives with impunity.

In the United States, many people have noted the racial imbalance of punishments—many more blacks get the death penalty and other severe punishments, on average, than whites do for the same crimes. As a solution some have advocated lesser punishments, “racial quotas” for the death penalty, or no death penalty at all. None of these would solve the basic problem of racial injustice. On the other hand, a judge, prosecutor or witness would think twice about throwing the book at a black person on the basis of scant evidence, even if they hated blacks, if they knew their own life was on the line.

4.2.3 Types of Punishment

Many people have the impression that the system of punishments in the Old Testament is unreasonably harsh. Yet a person in Israel of that day, looking at our system of punishments, might conclude that *our* society has unreasonably harsh punishment. For instance, in the case of theft, a person who stole a loaf of bread in Israel would simply have to give two loaves or so back, while in America that person could spend two or three years in jail for shoplifting! In general, in our society, “property” crimes, crimes in which only damage or removal of property occurs, receive much greater punishment than in the Old Testament. Crimes against persons generally receive less punishment. Does this not reflect our values, that things take precedence over people?

The Old Testament allowed three kinds of punishment: death, flogging or other forms of bodily pain, and recompense paid directly to the victim. It nowhere allows for imprisonment. At most, one can imagine a situation in which a person required to recompense a victim would have to work to pay back the debt, which could be viewed as a type of confinement.

Numerous studies have documented the dehumanizing effect of imprisonment, including work by Chuck Colson.⁷ This form of punishment, adopted by the Romans and esconced in European law in the Holy Roman Empire, grew to its present status in America as the preferred form of punishment largely due to the influence of Quakers and other pacifists in the last century, who advocated the prison as a place of reform and penitence, i.e., a “peniten-

⁷E.g., W.D. Bates and A.R. Piquero, *Journal of Experimental Criminology* **8**, 71 (2012).

tiary” (see Appendix A). Although the attempts at “reforming” criminals utterly failed, eventually leaving the penitentiaries only as places of punishment, many pacifists today still approve of prisons as more humane than beatings or other “eye-for-an-eye” punishments, since imprisonment seems more “non-violent.” Such a view overlooks, first of all, the violence necessary to get a person into prison (usually, the threat of death from a policeman with a drawn gun.) Second, it ignores the violence of prisoners against other prisoners, inevitable in a population of lawbreakers unless every prisoner is held in solitary confinement. Third, it ignores the degradation and violence to the soul of a person who is treated like an animal, penned in a cage. And once a person has undergone such degradation, prison no longer holds deterrent value, according to the statistics on recidivism. Christians should have no qualms about advocating physical pain, recompense to victims, etc., as far more just and far more humane than the present system of taking away years of people’s lives, turning them nearly into animals.

Because of the widespread ignorance of the Bible in our society, many people assume that Old Testament law and Muslim law are nearly the same. Muslim law, for example, calls for permanent disfigurement, e.g., cutting off a hand, for a simple theft. By contrast, the law of Moses hardly ever would allow such a punishment, and certainly never for simple theft. Commentators universally agree that the maxim of the Law of Moses, “an eye for an eye,” essentially *limits* the severity of punishments. In other words, the *only* crime that would call for cutting off a hand, in the Old Testament law, would be the crime of cutting off another person’s hand. Muslim law, like American law, places far more emphasis on property crimes than the law of Moses.

Is capital punishment un-Christian? Evangelical author Louis Smedes has stated that the “context” of the Old Testament requires that the commandment, “Thou shalt not kill,” can not apply only to murder, but must also apply to capital punishment as well.⁸ This is utter nonsense, and Smedes should know better. The context of the Old Testament in which Moses gave the Ten Commandments has numerous commands for capital punishment, and warnings that *failure* to carry out capital punishment will bring guilt upon the whole people.⁹ Smedes might perhaps appeal to a higher law than the Old Testament, but he certainly cannot appeal to the Old Testament

⁸L. Smedes, *Mere Morality: What God Expects from Ordinary People*, (Eerdmans, 1987).

⁹Leviticus 20:4-5, Numbers 35:31, Deuteronomy 19:11-13.

itself, including the Ten Commandments, for the abolishment of capital punishment!

Some have argued against capital punishment, even while accepting other forms of punishment, because of its permanent nature—it allows no rehabilitation of the criminal, and it can not be undone if a person is falsely convicted. In regard to the former, as discussed in Sections 2.2 and 4.2.1, the ultimate reason for punishment has to do with justice, not rehabilitation. As discussed above, prison terms hardly ever lead to rehabilitation, anyway. The spree of prison building in the US has far more to do with “throwing the criminal in jail and throwing away the key,” i.e., destroying lives out of a sense of justice, than it has to do with rehabilitation. In regard to the possibility of false conviction, the stern rule of reciprocal punishment for false witnesses discussed in Section 4.2.2 implies that *no* punishment should be meted out if there is less than complete certainty that the person is guilty of the crime. Punishments for false witnesses would go a long way toward preventing false convictions. In a way, by viewing imprisonment as a “lesser” punishment, we absolve ourselves of the guilt of allowing far too many false convictions.

As mentioned in Section 4.2.2, the Old Testament also invokes stoning, i.e., public participation in capital punishment. Is this ghoulish love of violence? Quite the contrary, by involving the whole community in the punishment, the Law of Moses ensured that every one of the community would be guilty if the person killed was falsely convicted. Who could throw a stone unless he or she was *certain* that the person deserved it? By administering capital punishment in a closed room in a far-off prison, we ensure the opposite: if the person is wrongly convicted, none of us feels personally guilty. *We* did not kill the person; some nameless, faceless official did it. *We* feel no personal responsibility to make sure that injustice has not occurred. While capital punishment ought not become a spectacle for entertainment, nevertheless, a society that wants it to occur in secret shows that it can not stand up to support its own judgments.

This brings up the case of the woman caught in adultery, brought before Jesus.¹⁰ Didn't Jesus overturn the law of Moses when he said, “Let he who is without sin cast the first stone”? To understand this story, we must first understand the context. The occupying government of Rome had forbidden the Jews from carrying out capital punishment on their own (thus, for example, they had to go to Pilate to ask for the death of Jesus.) By bringing

¹⁰John 8:1-11.

the woman before Jesus, they hoped to trap him in a dilemma—to get him either to uphold the law of Moses, and therefore to advocate rebellion against Rome, in which case they could turn him over to the authorities of Rome as a rebel, or on the other hand to get him to teach against the law of Moses, in which case they could condemn him as a heretic. Jesus upheld the legitimacy of the government of Rome and rejected rebellion, but he affirmed “every jot and tittle” of the law of Moses as a standard—at another time, he explicitly upheld a case of capital punishment in the Old Testament that might seem to us the case that least deserves it, the case of a son cursing a parent.¹¹ In the case of the woman caught in adultery, no can miss the fact that his answer fit perfectly into his pattern of rejecting the dilemmas presented to him. Like the statement, “Render unto Caesar what is Caesar’s and unto God what is God’s,”¹² the statement, “Let he who is without sin throw the first stone,” rejects rebellion against worldly government, while still upholding the Law of God as valid. In the case of the tax to Caesar, the trap was that by approving the tax, Jesus might appear to approve of idolatry, i.e., “tribute” to Caesar, but by rejecting the tax, he would be a rebel against Rome. Jesus did not overturn the law against idolatry in that case, and in the case of the woman caught in adultery, he did not overturn the law against adultery. Rather,

¹¹Matthew 15:4. Some commentators have argued that Jesus did not really uphold this law, but was just using it as a rhetorical device. An analysis of the context, however, shows that Jesus is arguing as in the Sermon on the Mount—raising the demands of the Law of Moses, not reducing them. Not only should they punish the child who curses his parents, the Pharisees should also not allow children to refuse to support their parents in their old age.

There are several aspects of this passage which require understanding of the culture. The Pharisees allowed adult children to bequeath their wealth to the Temple as “*korban*.” Those bequeathing it could continue to use it, or interest paid on it, while they lived, since it did not pass to the religious authorities until their death. Because the wealth effectively belonged to the Temple, however, the child was exempted from supporting his elderly parents with his wealth. The religious authorities thus had a conflict of interest whereby they profited from letting elderly people suffer. Jesus says that the child’s obligation to care for his parents is an implication of the law against cursing parents, just as not looking lustfully at women is an implication of the law against adultery. The particular law is included in the general law. Thus, far from overturning the more severe law, Jesus justifies it by affirming the moral obligation implied by it.

The case of the child who curses his parents is not a case of an idle word. As discussed in Section 3.2, the act of a “curse” was taken seriously in the Old Testament as an act of violence. This crime was essentially the same as a death threat—the person doing the cursing invoked every power possible to destroy the cursed person.

¹²Matthew 22:21, Mark 12:17, Luke 20:25.

in each case he caused the hearers to examine themselves and their motives, answering the question while also rejecting the sham test presented to him.

The Law of Moses upholds capital punishment in three classes of crimes: (1) first-degree murder, (2) sex crimes, including adultery, and (3) “treasonous” crimes, namely idolatry, calling on spirits, Sabbath-breaking, and curses. Theonomists, discussed in Section 1.2, argue that all three categories should still be capital crimes today. Christians have historically made a distinction between first-degree murder and the other two categories, however. The warrant for capital punishment is given to Noah in Genesis 9:6: “Whoever sheds the blood of man, by man shall his blood be shed.” Since the children of Noah represent the entire human race, this command can be taken as a universal moral principle binding on all people. The punishments for the second two categories, however, are part of the covenantal, nation-specific law of Israel. As such, it was not unjust for Israel to have these punishments, but there is no necessary mandate for a modern Christian government to enact these punishments.

Even saying that capital punishment for sex crimes might not have been unjust in the context of the nation of Israel brings shudders from many people. For these people, such punishments are themselves intrinsically evil. Few people have trouble with at least the aspect of justice in punishing killing with killing, even if they would not approve of it, but in the modern mind, adultery and idolatry are not crimes at all and therefore deserve no punishment, much less capital punishment. Christians throughout history have affirmed, however, that some sexual sins are evil and therefore deserve some kind of punishment, even if not capital punishment. To justify this position, the Christian must show that not punishing such things would itself be a great injustice. An approach to such an argument will be given in Chapter 7.

Some writers have argued that the severe penalty for adultery in the Old Testament comes from a view of women as property.¹³ In this view, adultery is a type of theft. This view of adultery is refuted by two arguments. First, as discussed above, property crimes are treated mildly in the Old Testament law. Theft was punished merely by requiring the thief to give back the property plus an additional amount from 20% up to four times the value of the stolen property. The law of Moses has no physical penalties for property crimes at all. With this low view of property, how could then adultery require

¹³E.g., L. W. Countryman, *Dirt, Greed, and Sex*, (Fortress Press, 2007).

such a severe penalty if mere stolen property were at stake? It is our modern society that punishes property crimes by severe punishments like years of imprisonment. Some might liken the role of women in that society to that of slaves, but as discussed in Section 6.5, slaves were free to walk away at any time, and in fact, returning a slave to a master against the slave's will was itself a crime.

Second, the law of Moses also prescribes the death penalty for homosexual acts, which involve no "theft" of a woman. Some have suggested that the death penalty for homosexual acts applied only to priests, since this penalty is mentioned only in the book of Leviticus, which contains many priestly laws. This law does not appear in section of priestly sacrificial instructions, however, but in an exposition of the Ten Commandments (see Appendix D).

The severe penalties for these sex acts stem not from a view of people as property, but from the high view of covenantal relationships between people in the Old Testament. In this view, sex is an extremely powerful way of binding or oppressing persons. The modern view that sex crimes deserve little or no punishment stems primarily from the view that sex and broken relationships between persons are of little consequence.

In regard to the third category mentioned above, "treasonous" crimes, the name and worship of God took the place in Israel of the highest symbol of the identity of the State itself. To curse God, king, or parents was to declare open rebellion against the State and the people of the nation. Few states have ever trusted rebels to live openly among the people, and treason is still a capital crime in many states.

As discussed in Section 3.2, the "treasonous" crimes defined in the Old Testament such as idolatry and cursing involved a few well-defined, simple acts or words. There is no precedent in the Bible to allow the Church, or priests, to have the authority to define any or all theological error as blasphemy and idolatry. No one should make light of the terrible abuses that have occurred in history when governments have punished all manner of religious activities that the ruling powers did not like. We can learn from history: if a nation ever adopts *symbolic* acts as crimes of treason, those crimes must be *few* and *well-defined*, so that the government is *limited* in the amount of speech that it may prohibit.

As discussed in Section 3.1, no state can tolerate every possible act which someone defines as part of a religion. No one speaks today of tolerating religions which involve human sacrifice, ritual suicide, or ritual prostitution, acts which have been part of numerous religions worldwide in the past. Therefore

no one can argue that a state must tolerate all possible religions. The debate then becomes where to draw the line. A Christian state ought to tolerate a wide variety of religions as a part of the biblical mandate of hospitality and outreach to others. Nevertheless, it must draw the line at specific acts which imply open commitment to evil. Christians should not hold back from the “intolerance” that demands that Satan worshippers, witches, etc. be stopped from their evil practices. By defining specific, well-defined acts that are prohibited, such as calling curses on God or on other people, the law can restrict such practices without needing to define “religion” and certainly without prohibiting entire religions. Many modern governments take this approach; for example, the government of Germany prohibits display of the Nazi swastika and other specific acts associated with Nazism. To do otherwise would be, in the eyes of many, an indication that Germany does not see Nazism as evil, and tolerates its reappearance. If we see Nazism as evil and accept a nation banning its symbols, why should not a state have a similar attitude toward religious acts which indicate worship of evil?

4.2.4 The Basis for Mercy

A basic tension has existed in Western Christian thought for centuries—when does repentance allow forgiveness? In the Bible, God himself practices forgiveness—not giving people the punishment they are due—and commends us to do the same, and yet throughout the same Bible are warnings of hell and promises of real punishment.

Much of the tension can be resolved in another general principle.

As it is unjust for a victim to execute justice (revenge), so it is unjust for a judge to show forgiveness. Only the victim can offer forgiveness.

(4.1)

A judge must unswervingly uphold the letter of the law; otherwise he is unjust. Who would go to a judge for justice if they did not know whether he would set the criminal free, or release him from his debts, on the basis of his own feelings? This is different from the case of a judge who takes into account extenuating circumstances, giving a criminal a lighter sentence because of weaknesses of the criminal or atoning actions known to the judge. Sometimes a judge who takes into account weaknesses of a defendant in giving

sentence is called merciful, but in this case, we believe the criminal is getting justice after all—the extenuating circumstances *demand* a lighter sentence because a harsher one would be unjust. This is different from forgiveness, which gives no punishment even when a punishment is deserved. A “hanging judge,” who gives the maximum penalty to all convicted criminals without taking into account specific knowledge of the defendant’s situation, is unjust; we do not want the judge to forgive the criminal personally, we want the judge to be wise and not punish beyond what is really due.

The general principle (4.1) stands at the core of the teaching of the Gospel. Much of the Bible deals with a question that perhaps does not resonate with modern sensibilities: How can God allow us to go unpunished and still be a just judge?¹⁴ If a person has truly done evil, how can God allow that person to ultimately go free, and even to receive eternal blessing? Many modern people might say, “What’s the problem? Why can’t he just forgive them?” This betrays a lack of sense of justice, perhaps because of the failings of our legal system; or perhaps the reverse is true: that many of the problems of our legal system stem from a failure of understanding God’s justice, and a too-easy forgiveness. From the biblical perspective (which Christians believe is also written in our souls) a judge who allows the guilty to go free is as bad as one who punishes the innocent.¹⁵ The former is, in a very real sense, a punishment of all innocent people.

The central message of the Bible, called the Gospel, is that God has resolved this problem on the Cross. God is not only the judge; he is also the ultimate victim of our sin, the injured party. He forgives us, not as judge, but as victim. God would be unjust indeed, if he punished a third party, a mere creation, for our sin! Rather, God himself suffered for us. All forgiveness has essentially this nature, that the victim is paying for the crime, absorbing the cost, and this is why it is so hard. As with a financial debt, if the debt is not repaid, the one owed the debt has effectively paid the cost.

Western courts have long recognized the right of a victim to not demand recompense. The converse is true: no victim should be pressured to forgive. Forgiveness can never be required either by law or by societal pressure. Otherwise it is not forgiveness! Grace is only grace if it is freely given. At a personal level, many people have been tortured emotionally by what they perceived as pressure to forgive someone who had victimized them. The cel-

¹⁴E.g., Romans 3:25-26.

¹⁵E.g., Numbers 14:18, 35:31, Nahum 1:3.

ebriation of public forgiveness offered by others, such as the Amish offering forgiveness to a mass murderer who gunned down their children, sometimes comes across as a moral obligation of Christians to plead that all criminals not be punished. But the language of obligation belongs only to the court of justice, not the fields of mercy. Mercy is given as money is given, freely and without obligation.

When might a Christian decide not to forgive? One reason is if the victim is not convinced that the criminal has really repented. We cannot go further than what Jesus commanded. In the famous passage where Jesus commands us to forgive “seventy times seven” times, he attaches the condition, “if he repents.”¹⁶ The Bible does not command us to forgive the unrepentant, and God himself does not.¹⁷ Instead, Christians, like God, *offer* forgiveness, in advance, in the hope that the person may genuinely repent. We may be called merciful in our attitude to those who have not repented, following God’s precedent of being “slow to anger” and “ready to forgive,”¹⁸ but such a stance of being ready to forgive and not jumping to judgment cannot properly be called forgiveness.

If a victim has forgiven an offender, it does not follow that the judge must let the criminal off the hook. If the judge judges that the offender has not repented, setting him or her free may be unjust. For example, it sometimes happens that a man beats his wife continually and his wife continues to forgive him, because she has become in some way dependent on him. It would be unjust to let this go on. To fail to punish a person who has not repented is to inflict the ongoing deeds of a criminal on others. This leads to another general principle of justice:

It is unjust to give mercy to a person who has not repented.

(4.2)

Since the idea of repentance is so alien to our society, I must define it: a person who has repented of a crime has set his or her mind to not do it again. Repentance is not just “feeling bad” about it.

Of course, it may be hard to judge whether a person has truly repented, since all kinds of criminals likely will *say* that they have repented. Judges

¹⁶Luke 17:3.

¹⁷Numbers 15:21; Deuteronomy 29:18-20; Luke 13:3-5; Acts 3:19.

¹⁸Exodus 34:6, Nehemiah 9:17, Psalm 86:15, Proverbs 15:18, 19:11, Joel 2:13, Jonah 4:2, 2 Peter 3:9.

must judge based on outward evidence in addition to the words and attitude of the criminal. As John the Baptist said, “Produce fruit in keeping with repentance.”¹⁹ Paul, similarly, said in Acts 26:20, “I preached that they should repent and turn to God and prove their repentance by their deeds.” This is one reason why repeat offenders should have less chance of mercy—repeated offenses tend to indicate, by the principle of induction, that the person has not repented and will continue the same behavior. It may happen, of course, that a person truly repents of something but then falls into it again. God, who truly knows our hearts, will forgive repeat offenders who truly repent each time. All Christians fall into some sins repeatedly, and must repent daily—this is why the first thesis of the 95 which Martin Luther nailed to the Wittenburg church door was “All of life is repentance.” The Bible teaches that without repentance, there is no forgiveness and no acquittal for our sins; it also teaches that if we do repent (set our minds to change, not just “feel bad,”) no matter how many times, God will always forgive us. An earthly judge may justly decide that a repeat offender’s claim of repentance cannot be trusted; God knows our hearts truly, which is a double-edged sword—if our repentance is not real, God will know it, even if we deceive other people.

The principle that a victim’s forgiveness alone cannot set a criminal free is the basis of the “criminal” justice system in the United States. In our legal system, we have two systems of justice, the “civil” justice system and the “criminal” justice system. In the former, complaints of one person against another are judged, while in the latter, the victim is assumed to be judged by an absolute standard whether or not there is a victim to press charges. For example, an unrepentant thief is assumed to represent a threat to society even if the victim has forgiven the amount stolen. While a judge may not forgive a criminal, it does not follow that if a victim shows mercy, that the judge must also. The judge must judge, among other things, whether the offender has truly repented.

Under the Law of Moses, if a victim decides not to forgive, the victim has the right to accept a “ransom”—a payment instead of a punishment. When a victim forgives without asking for a ransom, in effect the victim has paid the ransom himself. Oftentimes this is severe: the victim must pay for the crime with awful emotional turmoil. This, again, relates to the Gospel. In forgiving us, God had to pay the penalty of our sins himself. There is

¹⁹Matthew 3:8.

one exception. In the case of first-degree murder, the victim is dead and cannot be repaid. The law of Moses insists that no ransom be allowed in that case—the victim’s family cannot take payment from a third party. If this were allowed, a serious conflict of interest could arise: people could have their relatives knocked off for money.

4.2.5 Proportionality and Uniformity

The constant underlying premise of justice in the Bible is *proportionality*, the idea that the punishment “fits” the crime. This comes from the concept of a crime as a debt which must be repaid. If a person owes a certain debt, it is unjust to demand more in repayment. This principle underlies the orthodox Christian teaching that God, in his final judgment, does not punish all sins equally, but metes out exact justice—not all sinners experience the same punishment. Evangelical Christians often say, correctly, that any unrepented sin can lead a person to hell, but that is not the same thing as saying all sinners in hell are treated identically. Jesus, for example, talked of things being worse on the day of judgment for some than for others;²⁰ the basic principle of God’s justice is that he will render to each one according to his deeds,²¹ that is, proportionately. Forgiveness is possible, but without forgiveness, a just punishment must exactly pay the debt of the crime.

In some cases, there is a debt to a victim which must be repaid directly to the victim. The law of Moses prescribes penalties over and above the original damage, up to a factor of 5 times the actual damages in cases of severe cost to a person’s livelihood,²² but usually only 20% above the actual damages in cases of common theft.²³ The debt is proportional to the amount stolen, but higher, because the victim has also lost the use of whatever was stolen for some period of time, and has undergone distress.

In other cases, there is no way to pay back the victim, but as discussed in Section 2.2, the criminal still may have a retributive debt to pay. These penalties also must be proportionate. This principle underlies the “eye for an eye” principle. As mentioned in Section 4.2.3, the main point of this principle as given in the law of Moses²⁴ is not to encourage governments to be in the

²⁰Matthew 10:15, 11:24.

²¹Matthew 16:27, Romans 2:6, 1 Peter 1:17, Revelation 20:12-13.

²²Exodus 22:1.

²³Exodus 22:9.

²⁴Leviticus 24:20. This law applies to the case of malicious attack with intent to harm,

business of gouging out eyes, but to teach the principle of proportionality. An attack resulting in the loss of an eye is not to be punished by death or by some other injury exceeding the actual harm to the victim. Jesus did not overturn this principle in the Sermon on the Mount (after all he began that sermon by explicitly stating that he affirmed all of the law of Moses). Rather, Jesus was challenging those who felt they had kept the all the moral demands of God if they had not gone beyond this principle of public law, but still had vengeful and judgmental spirits.

Closely related to the concept of proportionate punishment is the concept of *uniformity* in punishment. This principle says that if two people incur the same debt, justice demands they both pay the same. This does not overturn the principle discussed in Section 4.2.4, that a judge may take into account differences between circumstances in giving different penalties. In that case, the argument is being made that the debts are *not* the same; that one person's debt is greater than another's because of aggravating circumstances, or less because of mitigating circumstances.

When the circumstances really are the same, or nearly so, justice demands that we do not reduce the penalty for one person just because we like him or her, or increase it for someone else because we dislike that person. This principle is explicitly stated in the law of Moses in regard to the poor and rich: we shall not favor either the poor or the rich.²⁵ On one hand, we might favor the rich because we think they can do something for us. But on the other hand, we might favor the poor because we pity them. The law of Moses goes out of its way to forbid this second case, of favoring "the masses":

You shall not fall in with the many to do evil, nor shall you bear witness in a lawsuit, siding with the many, so as to pervert justice, nor shall you be partial to a poor man in his lawsuit. (Exodus 23:2-3).

This seems to anticipate the impulse to "stick it to the rich" that many societies have experienced.

One example of this is the case of medical liability and other liability lawsuits in the US. In the present system, the civil courts make a distinction between actual damages and "punitive" damages. The latter category consists of awards to the victim specifically for the purpose of hurting the

not negligence.

²⁵Leviticus 19:15.

guilty party well above the actual damages, as a way of making sure the guilty party feels regret. It is quite common for a lawyer to argue that rich people or corporations must have much higher penalties than other people, because they will not even notice small payments. In other words, they must pay disproportionately. This is pure favoritism of the poor over the rich, in violation of the principles given above. As much as we might dislike rich people or large corporations, justice demands that culpible negligence leading to loss of an arm have the same penalty for all, whether the party at fault is a rich doctor, a large corporation, or a blue-collar machine worker.

4.3 The Just War

Over the centuries, many Christians have argued that there is such a thing as a just war. Augustine of Hippo, the great theologian of the Roman Empire, was one of the first to develop the principles of a just war; the Catholic church and the Presbyterian churches of the Reformed variety have tended to have the most developed positions today, based largely on his views.

Pacifist Christians, of course, have stood against this, arguing that no war can be just. This view runs into the problem that God clearly commanded people to wage war at times, in the Old Testament. Even if we do not believe we have the same mandate as ancient Israel, we cannot say that war is *intrinsically* wrong without saying that God approved of evil in the Old Testament. This view also requires a highly figurative view of the book of Revelation in the New Testament, because Jesus takes up the sword as a warrior in that book, to the acclaim and praise of his saints.²⁶ Psalm 2, which is widely taken as referring to Jesus, gives a similar picture. In other words, there is no difference between the Father and the Son on this; Jesus is presented as the Judge of the World who makes war on the unjust.

In much of European culture from the Middle Ages to the 20th century, war was celebrated as a test of manhood and courage. Heroes were war heroes. This was out of balance, an incorporation of the older pagan northern European culture into the church. But the Bible does give honor to war heroes, for example David and his mighty men,²⁷ and God himself is honored

²⁶Revelation 19:11-21.

²⁷2 Samuel 23:8-9, 1 Chronicles 11:10-12. The listing of the “mighty men” in 1 Chronicles 11-12 cannot be seen as anything other than honorable, men “of name” whose valiant deeds are recorded for posterity.

as a warrior.²⁸ If war is necessary, the Christian should fight it as well as possible, without cowardice. War can never be an end in itself, however. The Bible always honors those who make peace. War is intrinsically destructive, not creative, and therefore it can only be good as a corrective to something worse.

4.3.1 Justifying Use of Force without Prior Authority

War has a different position in the ethics of government, because it deals with the action of one government against another. In the case of police and judges, we deal with legitimate authorities acting within clearly defined rules. In the case of a war, two countries disagree about the rules. The situation is similar to two individuals in a fight with no referee. For this reason, some pacifists accept the use of force by police within a country, but reject warfare between countries.

In the absence of a higher controlling authority, a war can only be justified in the same terms that violence between two individuals can be justified, when neither has recognized authority over the other. One such justification is the ancient principle of *justifiable self defense*. This is another general principle of justice:

Use of force is justified without a third party to mediate if immediate self defense is necessary.

(4.3)

This has a corollary: *Only the level of violence necessary for immediate self defense is justified, and not more.* In Exodus 22:2-3, a man is not held guilty for killing a thief who breaks into his house at night. If the thief breaks in during the day, however, and the man kills him, he is held guilty. The difference is that in the middle of the night (in a time when there were no electric lights) a person would not know whether the thief had intent to harm or just to steal, while during the day, it would be more obvious. In other words, self defense is not a *carte blanche* for violence—only the level of violence needed for a reasonable defense is justified. This is true of warfare, also. A minor attack does not justify an overwhelming response.

²⁸Exodus 15:3.

A related issue is the question of preemptive self defense. If a person makes a direct threat, but has not yet acted, a person may feel it necessary to preemptively strike first. This is a difficult issue, because a person is trying to predict the future, which is never certain. Lawcourts have in general recognized a difference between a clear and immediate threat, such as a person holding a gun and saying, “I am about to kill you,” and an indirect threat, such as an unarmed person saying, “I wish you were dead.” Preemptive action is morally justified in the case of a clear and immediate threat, as a type of self defense, while acting preemptively on the basis of an indirect threat is not. There is no way to eliminate the judgment call entailed in this kind of decision.

A second case in which violence without normal authority is justified is the case of a *rescue*. Government normally has the responsibility of protecting the weak, but sometimes immediate action is necessary, as in the case of a rape or murder in progress, and the government authorities cannot get to the scene quickly enough. In this case, the situation is essentially a “temporary anarchy,” and the strongest powers at hand have the responsibility to rescue the weak as agents. For example, if a woman is being raped or an old man is being beaten, strong men who are nearby have a responsibility to jump in to rescue the weak. The Bible as well as common decency demands this:

Rescue those being led away to death; hold back those staggering toward slaughter. If you say, “But we knew nothing about this,” does not he who weighs the heart perceive it? Does not he who guards your life know it? Will he not repay each person according to what he has done? (Proverbs 24:11-12)

In the same way, a country may legitimately intervene against another sovereign country without higher authority in the case of a rescue. An example can be seen in an interesting historical dilemma. If Hitler had never invaded Poland, but had simply killed six million Jews in his own country, would the US and other countries have intervened to stop him? Should they have? By some ethical formulations, they should not have, because they would have had no higher authority to appeal to, and no claim to self defense. Our conscience cries out against that, however. If we have the power, we should want to rescue those who are perishing, even if they are outside our country. To say otherwise is to violate the spirit of rescue which lies throughout the Bible. We cannot just look the other way and say “It’s not

my job.” Most Christians rightly condemn the fatalistic attitude of hyper-Calvinists who say “I don’t need to preach the Gospel to the lost—if God wants them saved, he will save them himself!” But is not the pacifist saying the same thing, in saying, “Yes, they need to be rescued, but we need to leave it in God’s hands!” The biblical principle is the same: if we have the means to save people, we are in sin if we look the other way.

These considerations allow us to formulate a concept of *just cause* for a war. A war can be just if its *purpose* is just. In the preceding, we have established two justified reasons for war: self-defense and rescue. Each of these can be invoked even when a country has no pre-existent, overriding authority over another country. In Section 3.7, we established another purpose which can be justified in terms of existing authority: putting down an illegitimate rebellion or secession. In that section, we also discussed stepping in to establish authority in the case of anarchy. That situation can also be viewed under the heading of a rescue, since as discussed in Section 2.3, people in a state of anarchy are oppressed. (Although anarchists have a fantasy that such a situation would be idyllic, the reality of historical anarchies is quite the opposite.)

In recent years, many conservatives have often expressed the notion of “national interest” as the overriding consideration in justifying a war. By this they mean that national self defense is justified, but a rescue, in the absence of a need for self defense, is not justified. Otherwise, they argue, a nation could become embroiled in trying to solve everyone else’s problems, to the point that its military resources become stretched so thin that it puts its own self defense at risk. This argument, if taken to its extreme, is antithetical to the biblical mandate for rescue given in Proverbs 24:11-12, quoted above. A variation of this concept can be compatible with the biblical ethic, however, which may be called “military triage.” Given limited resources and several people in need of rescue, a person attempting rescue must sometimes choose to rescue only a few. This is known as “triage” in hospitals. In the same way, a nation, unless it is extremely powerful, cannot rescue every oppressed people in the world. The government must balance the needs of other peoples against the resources available and the need for self defense of its own people. This argument essentially reduces to the condition of probability of success, discussed in the next section. Given limited resources, overextending the military power of a nation can lead to catastrophe.

4.3.2 Just Means of War

Just war theory, developed over the centuries, has added several criteria besides just cause. These additional criteria include *just means* and *hope of success*.

The criterion of just means follows from the ethical principle that the ends do not justify the means; i.e., good goals do not justify evil means of achieving those goals. This can be stated in Christian terms as follows: one cannot break one of the moral commands of God for the purpose of accomplishing something which one thinks is a greater good. God insists on obedience to his moral law at all times.

There has been considerable debate among Christians over what means of warfare are just, partly because, as discussed in Section 2.1, a legitimate authority may use means which are denied to individuals. The primary example is the command, “Thou shalt not kill.” This command appears in the the Law of Moses, and the Law of Moses also clearly says that the government must kill those who kill,²⁹ and a government which fails to do so is an evil government.³⁰ As discussed in Section 2.1, this is not a contradiction, but a difference between commands given to individuals and the commands given to authorities. This difference is essential in understanding justice. Governments are not given unlimited power to kill whenever they please, but are morally bound to kill under specific conditions. Even those who reject the death penalty must agree that legitimate governments are not bound by the same laws as individuals. In the modern ethic, governments may put people in prison, but no individual is allowed to put people in prison—this is the crime of kidnapping. A legitimate government is defined as that power which may use force that individuals may not.

If governments may kill when individuals may not, can they lie? Can spies working for the government commit adultery to steal enemy secrets? These issues have become especially important since the 20th century, when spies controlled the dynamics of two world wars and the Cold War.

Committing deception for state purposes seems to have the approval of the writers of the Bible in several places. Joshua sent spies to Jericho, who were sheltered by the prostitute Rahab, who was later blessed for what she did,³¹ though her deeds included not telling her city about the presence of

²⁹Exodus 21:12-14, Numbers 25:31.

³⁰Leviticus 20:1-6.

³¹Joshua 2, James 2:25.

enemies in their midst. King David deceived the king of a enemy nation by pretending to defect to their side.³² It is dangerous to take the actions of the saints in the Bible as a precedent, because many times their sinful actions are recorded along with their good deeds. In the case of David deceiving the king of the Philistines, however, there is no hint of condemnation in the description of his actions, unlike other passages where David is cursed for his sins. King David was later helped by Ahithophel, who spread disinformation while acting as a double agent in Absalom's court.³³ Other cases include Esther, who did not tell the king of Persia that she was a Jew even after she married him,³⁴ and the prophet Jeremiah told a lie as instructed by his king.³⁵ One can argue that Esther kept her secret out of fear, but Jeremiah is presented as a righteous prophet.

A deception is a type of attack, which can hurt the person being deceived. As such, the ethics of state deceptions fall under the same category as violence in warfare. Lies to the nation's own people fall under the same category as acts of war which may lead to suffering of the people.

It is much harder to justify adultery as a tool of warfare or self defense, and there are no examples in the Bible. As Paul says, all other sins are outside the body, but sexual sins are sins against oneself.³⁶ In a sense, then, sexual sin for the sake of defeating an enemy is a sort of suicide attack. We will return to the idea of suicide attacks when we discuss the condition of probability of success, below.

Terrorism

Many people have argued over the definition of terrorism, but for the purpose of this treatise the definition of terrorism is simple: terrorism consists of acts of war directed specifically at noncombatants ("civilians") for the primary purpose of reducing the will of the population to resist. By this definition, suicide bombing in marketplaces and restaurants constitutes terrorism but military attacks on enemy combatants which happen to also kill innocent bystanders are not. By this definition, Sherman's march to the sea in the American Civil War, the bombing of Dresden in Germany during World

³²1 Samuel 27.

³³2 Samuel 26.

³⁴Esther 2:10

³⁵Jeremiah 38:24-27.

³⁶1 Corinthians 6:18.

War II, and the nuclear bomb drop on Hiroshima during World War II also constitute terrorism, but the use of chemical weapons by Germany in World War I and the use of napalm by the US during the Viet Nam War would not.

To define something as terrorism does not mean that it is never justified. Terrorism is an act of war against an entire population, and is justified if (and only if) that entire population is the enemy. In many cases, it is possible to prosecute a war exclusively against a government and its armies, and the population can be largely left alone. This would presumably be the case when the justification of the war is a rescue of a population with an evil government—it makes no sense to terrorize a population one is trying to rescue. In some cases of self defense, however, a government may believe that the entire populace of another nation is dedicated to the war effort, and must therefore be treated as an enemy. Those responsible for Sherman's march to the sea in the Civil War and the bombing of Dresden and Hiroshima in World War II felt strongly that the populations of those countries, far from being innocent victims, were filled with war lust and needed to be demoralized. It would be quite simplistic to say that only those in a nation who pick up guns can be enemies. An unarmed population can also contribute mightily to a war by supplying the troops. Mothers can train their sons in war lust at an early age.

As an act of war, of course, terrorism implies a state of war, and therefore those who practice terrorism can hardly act surprised if the nation terrorized responds with open warfare. Muslim terrorists who bomb Western nations have effectively declared war on those nations, and cannot act surprised if those nations respond with warfare. The "Bush doctrine" codifies who is the enemy in the case of terrorism: if a nation uses its own police force and armies to track down and punish terrorists within its borders, even unsuccessfully, that nation is not an enemy, but if a nation harbors and protects terrorists who have acted against another nation, that nation has effectively declared war and is an enemy which may be attacked in self defense.

Nuclear War and Weapons of Mass Destruction

Nuclear weapons and biological and chemical weapons which have the ability to kill in mass numbers ("weapons of mass destruction," or WMD's) must be treated separately in a discussion of justifiable means. Some who agree with the concept of a just war nevertheless would argue that weapons of mass destruction are never justified as a means. The primary argument is that

by their nature, they target mass numbers of noncombatants, and therefore constitute terrorism. This is largely correct, although it may be possible in the future to have nuclear or chemical weapons which are much more narrowly targeted.

As discussed above, terrorism can be justified when the entire population is the enemy. There are at least some cases in history in which it can be argued that the noncombatant population was full of blood lust and far from being a group of innocent bystanders. Terrorism cannot be justified in the case of a rescue, because one is attacking the people one presumably wants to save.

These weapons may be rejected for another reason, however. These weapons do not only kill mass numbers of people, they also have the potential to destroy the environment for years to come. The Law of Moses speaks to this:

When you lay siege to a city for a long time, fighting against it to capture it, do not destroy its trees by putting an ax to them, because you can eat their fruit. Do not cut them down. Are the trees of the field people, that you should besiege them?
(Deuteronomy 20:19)

The Bible is greatly concerned about stewardship of the natural environment, as we will see in Chapter 8. Means of war which destroy the productiveness of the land are acts against innocent noncombatants, so to speak. Animals and plants, though they have no eternal souls, nevertheless are to be treated with respect and care. On the other hand, the Bible does not set the natural environment up as sacrosanct. The passage above goes on to say,

However, you may cut down trees that you know are not fruit trees and use them to build siege works until the city at war with you falls. (Deuteronomy 20:20)

In deciding on means of war, there must be an evaluation: will this action mean that ultimately the land is destroyed?

For these reasons, a Christian nation may want to adopt a “no first use” policy, i.e., to vow never to use weapons of mass destruction unless these weapons have first been used by an enemy. This leads to another question, however. Is it good to keep such weapons around as deterrents, even if one never plans to use them first? Even if an enemy uses them, would use of them

in response just produce twice as much unjustifiable destruction? This has been the position of many anti-nuclear activists, including many evangelical Christians and Roman Catholics.

Those who embrace this position must look it square in the face and be willing to accept its consequences. It means that we are willing to have our cities leveled by nuclear bombs and do nothing, or next to nothing, in response. (Conventional bombs in response would be nearly negligible and would probably have no effect in deterrance or prevention of further nuclear attacks.)

This relates to the problem of the instability of pacifism, discussed in Section 2.4. Suppose that every nation on earth destroyed all its nuclear weapons except one country which had evil intent. Then that country could bomb every other country into submission. Pacifists frequently argue that one good example can cause all others to follow, but to argue that *every* other nation on earth will follow a good example is to assume that human nature is ultimately both good and reasonable, that no nation would ever take advantage of the disarmament of others. The experience of Europe with Hitler belies this—it is well documented that Hitler knew very well the pacifist tendencies of other nations and grew in confidence that he could use violence, the longer the other nations remained pacifist.

The ultimate question which a nation with weapons of mass destruction must ask is, “In using this are we ultimately destroying ourselves?” If a weapon destroys the earth, or a large part of it, it may ultimately destroy those using it and therefore produce neither justice nor protection.

Drafting Soldiers

Modern warfare was changed forever when Napoleon and the leaders of other European nations began to create vast armies by drafting mass numbers of civilians. Prior to this, war in most European countries had been restricted to a warrior class which was quite limited in number. In earlier ages, such as the time of Israel in the Old Testament, it also appears that vast armies were created by conscription. The Old Testament has examples of the government requiring men to work for a short time, a practice followed in America at times and in most European countries today. This is always presented as an emergency measure in the case of war, not a normal duty.

Moses clearly teaches that such a burden cannot be imposed if the man

has just started a family³⁷ or even if he is fainthearted.³⁸ This latter exception seems to effectively negate the idea of a compulsory draft. Many modern nations, however, have taken the position that if a person is exempted for one of these reasons, the person may still be obligated to another type of service. In this view, the right of a government to compulsory labor is of the same nature as its demand for a tax. Clearly, like high taxes, the overuse of compulsory labor whether for public works or warfare can become a type of oppression. In the Bible, when King Rehoboam demanded years of compulsory labor, immediately after his father Solomon had already demanded years of the compulsory labor, the people rebelled, and Rehoboam is presented as a fool for making such demands.³⁹

A related question is the use of female soldiers. A compulsory draft of women for warfare would be ruled out for the same reasons as for men, given above. The legitimacy of the use of women volunteers is not so clear. In one famous case in the Bible, the woman Jael killed an enemy leader,⁴⁰ and she is celebrated for doing so.⁴¹ At the same time, as discussed in Section 7.7, women and men are intrinsically different and therefore a government is justified in defining military roles which are different for men and women, even for volunteers.

4.3.3 Reasonable Hope of Success

A final condition which some have argued is necessary for a just war is “reasonable hope of success.” Essentially the argument is the following: if there is absolutely no chance of success, then an action of war is effectively the same as suicide. Throwing lives away this way is not heroic, it is foolish and murderous. Although they may have high motives, foot soldiers charging at enemy tanks with bare hands are not heroic, they are either stupid or suicidal. Staying alive to fight another day is not necessarily cowardly. This is why we do not treat as cowards soldiers who surrender in battle instead of fighting to the death.

This argument makes sense, but in practice, it is often not so clear whether an act of war has truly zero chance of success. Running at tanks with bare

³⁷Deuteronomy 20:7.

³⁸Deuteronomy 20:8.

³⁹1 Kings 12.

⁴⁰Judges 4:17-22.

⁴¹Judges 5:24.

hands may fall into that category, but there are many other cases of outnumbered and outgunned troops winning the day by strict discipline and high morale. Any military commander clearly has a responsibility to try to maximize the chances of success, but no one can calculate the odds exactly. It is too much of a burden to expect that a military commander or anyone else can ensure that success is “probable” before entering into an action. It is more reasonable to expect that success is at least possible.

Again, if we think in terms of a rescue, we can draw some conclusions by analogy. If a child is drowning in a lake, and a man standing by cannot swim but jumps in anyway, he is foolish, not heroic. On the other hand, if he is a weak swimmer, but he jumps in anyway, and unknown to him there are strong undercurrents and he dies trying to save the child, we view him as a hero.

From a Christian perspective, there are times when we must trust to the sovereign power of God for the outcome, if we believe that we are doing the right thing. David fought Goliath, trusting in God, although few would have said he had a reasonable hope of success. At the same time, David believed, entirely in worldly terms, that he had a possibility of success, and therefore he was not just throwing his life away or presuming on God to save him. He made clear to the leaders of Israel that he had already killed a lion using his sling, and he collected five stones in case he missed his first shot or two.⁴² He did not rush at Goliath bare handed, with nothing but a psalm and a prayer.

A classic strategy by which a weaker power can engage a stronger power is hit-and-run tactics, known as “guerrilla warfare.” This is not the same as terrorism. Guerilla warfare aims at military targets, not noncombatants, but guerilla warriors run away and hide rather than engaging in direct confrontation with a superior force. This is not cowardice, but wisdom, if a direct engagement would be suicide. Guerilla warfare is effective if there is a local populace that supports and supplies the guerillas. Therefore, a guerilla war will typically be successful only if it has a recognized legitimacy in terms of a rescue or self defense. Such actions have a long history of success, including David hiding in the hills of Israel, Americans fighting the British in the Revolution, and partisans in France fighting the Germans in World War II.

Once again, we have a judgment call. Life is full of such unavoidable

⁴²1 Samuel 17.

decisions. Pacifists sometimes accuse non-pacifists of simplistic thinking, but pacifism itself often falls into simplistic, black-and-white positions: all war is bad, all killing of civilians is bad, and a just war position is untenable because it involves difficult decisions about the probability of success or the cost to noncombatants caused by various weapons or tactics.

The concept of a just war requires that we look at its ends and its means; we cannot simply say “my country right or wrong.” If a country’s government is fighting an unjust war, the principle of obeying God rather than man means that we must not participate. Often, we do not have all the information we would like in order to know whether our government has engaged in a just war. In this case, if we believe that the government is legitimate, we can give the benefit of the doubt to those in authority over us. We must allow the possibility, however, that we will gain enough information to decide that the war is not just, and therefore that we must refuse to support the government.

Chapter 5

The Form of Government

We have so far not discussed the form of government in detail. In general, the Bible and Christian tradition allow a great deal of latitude in the exact forms of government. We can, however, establish several basic principles.

It is easy for American Christians to canonize their form of government as the best. It is also easy for non-US citizens to reject aspects of the US government simply because they want to be different, rejecting what they perceive as American cultural hegemony. As much as possible, Christians need to step back from their cultural attachments and ask what are truly universal principles. Many aspects of American government are well compatible with the Bible, which is no accident, because the form of American government was chosen deliberately by an assembly that had a large number of Christians. Nevertheless, we must ask what parts of American government are essential and which are optional, on basic Christian principles. God did not write the US Constitution, people did, and many compromises were included.

5.1 Constitutionality

One of the guiding principles of the Western legal tradition is that of *written* law. This includes writing down the most basic rules of how the government works and the rules for making other rules. This basic law is known as a *constitution*.

Written law is essential to just government because of another basic principle of just government:

A just government has one set of laws which applies to all people equally.

(5.1)

This principle is affirmed in the Bible over and over:

You are to have the same law for the alien and the native-born. I am the Lord your God. (Leviticus 24:22)

And I charged your judges at that time: Hear the disputes between your brothers and judge fairly, whether the case is between brother Israelites or between one of them and an alien. (Deuteronomy 1:16)

Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly. (Leviticus 19:15)

The principle of one law for all people has as a corollary that all people must have the ability to know what that law is. The easiest way to convey the law to all people is to put it in writing and make copies available for all people to read. Such a document can also be called a “covenant,” a “compact,” or a contract of union.

The concept of written law comes directly from the very nature of the Bible itself. The Bible is itself a document of fundamental law. The Law of Moses (the Torah) consists of five books of written law; the stories in these books serve as precedent for the law. The Old Testament as a whole acts as a covenant, as does the New Testament.¹

In recent years, there has been considerable debate over the concept of “original intent” as a rule for interpreting a constitution. Liberal theorists argue that we cannot stick to the original intent of the authors, because many of them were racists, bigots, or simply uninformed about modern issues. They miss the point that if we disagree with the implications of the document

¹Some Bible commentators define a covenant simply as an “agreement,” or simple contract, but the concept of covenant in the Bible goes much deeper—a covenant always binds two parties together in an alliance or union, like “blood brothers.” See, e.g., M. Kline, *The Structure of Biblical Authority*, (Wipf & Stock, 1997).

because it is outdated or bigoted, we can amend it. No human document can be held up as sacrosanct, and therefore it must be open to amendment. The doctrine of “original intent” means that we adhere to the original meaning of all the words in the document, including the words of any amendments.

The doctrine of original intent does not mean that we must affirm all of the unstated goals and beliefs of the original authors. It means that we limit ourselves to the meaning of the actual words they wrote into law, as they understood those words. Often, the original writers limited the amount of information in their documents in order to deliberately allow leeway in the applications of their words which they themselves could not anticipate.

Without the doctrine of original intent, the words of a constitution have no meaning at all. If we make a constitution a “living and growing” document, with changing meaning, we must ask who determines that new meaning. If everyone can read in his or her own meaning, then there is no universal law. If, on the other hand, we are to have a universal new meaning, someone must have the authority to define that new meaning. Suppose we say that the new meaning will be defined by the opinion of the great majority of the people. In this case, if the great majority of the people agree it should have a new meaning, then they could equally well amend the constitution, in a society with a representative government. If there are not enough votes to do that, then the new meaning must, by definition, not be the widespread opinion of the society. If some minority has the right to change the meaning of the basic law of the land, then the government is not a representative system, but government by an elite class.

The US Constitution is notoriously difficult to amend, because the amendment process requires a supermajority of representatives of the states. This path was deliberately chosen by the framers of the US Constitution to prevent the winds of opinion from changing the Constitution all the time.² Because of this difficulty, those seeking social change have bypassed the process and instead have attached new meanings by getting judges to reinterpret the Constitution in ways that they want.

This is perhaps an argument for making the amendment process easier. It could also be used as an argument for making recall of judges easier. In any case, a nation in which judges may freely reinterpret the covenantal law of the land, instead of adhering to the original intent, no longer has a universal law of the land, it has an elite class that changes the law when it sees fit.

²J. Madison, *Federalist Papers* No. 43. (reprinted by Tribeca Books, 2012).

We may like it when the judges rule the way we want, but we can have no security that tomorrow they will not make up a new law that oppresses us.

5.2 Representation

Is representative government a biblical concept? Many people say that the law of Moses set up a “theocracy,” that is, rule by religious leaders instead of elected representatives, and they fear that a Christian government would look like that. Their fears are not unfounded, because in the Holy Roman Empire of Europe, bishops and church leaders did have a formal role in the government, which they often abused. But the Law of Moses does not endorse such a system. In fact, the Law of Moses set up a system of elected leaders. Deuteronomy 1:13 says to the people, “Choose some wise, understanding and respected men from each of your tribes, and I will set them over you.” Deuteronomy 16:18 says to the people, “Appoint judges and officials for each of your tribes in every town the Lord your God is giving you, and they shall judge the people fairly.”

The system set up by the Law of Moses had a hereditary priest class, but the priests had no role in the daily execution of the laws of the land. An examination of the Law shows that the judgments and punishments were to be decided by the “elders and judges” of the cities, not the priests. The priests primarily had authority only over the sacrificial worship, the rituals of cleanness, and the distribution of aid to the poor, and did not have control over what we would call the legal system, with one exception: priests were included in what we might call a high court of appeals, specifically set up for murder cases and other difficult cases.³ This court included representation both from the civil, elected judges and the Levitical priests.

Later on, the nation of Israel adopted a hereditary monarchy. Although God agreed to appoint a king for them, he vociferously expressed his disapproval of this system.⁴ His rationale was that a monarchy ultimately would become highly authoritarian and oppressive:

He will take the best of your fields and vineyards and olive orchards and give them to his servants. He will take the tenth of your grain and of your vineyards and give it to his officers and to

³Deuteronomy 17:8-13.

⁴1 Samuel 8.

his servants. He will take your male servants and female servants and the best of your young men and your donkeys, and put them to his work. He will take the tenth of your flocks, and you shall be his slaves. And in that day you will cry out because of your king, whom you have chosen for yourselves, but the Lord will not answer you in that day. (1 Sam 8:14-18)

The reasoning of the people was the same as always—authoritarian governments are more efficient at warfare and defense:

But the people refused to obey the voice of Samuel. And they said, “No! But there shall be a king over us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles.” (1 Sam 8:19-20)

Secondarily, the people were rebelling against an unjust system set up by the prophet Samuel, whose sons ruled Israel and demanded bribes and payoffs.⁵ This is another common reason for people to turn to dictatorships: the feeling that a chain of command will deal more efficiently with corruption.

Although God did not encourage a monarchy, he used the monarchy system symbolically to represent his Son, Jesus. Jesus is the perfect king—not elected, an absolute lord, but perfectly just and benevolent. By contrast, the reality of the monarchy of Israel, described in all its cruelties and corruption in the books of 1 and 2 Kings, serves to make the point that a human monarchy, made of sinful people and not God, is a far cry from the just rule of God. God’s original plan was that he would rule the people through his Law, which included elected representatives, as discussed above. The desire for a monarchy was equated with rejection of God.⁶

The rejection of monarchy and the adoption of a system of votes and elected representatives is therefore not a novelty invented by Americans, but based on a biblical precedent. In the New Testament, a similar system is endorsed for choosing church leaders. Acts 6:3 records an election for church officers instituted by the Apostles: “Brothers, choose seven men from among you who are known to be full of the Spirit and wisdom. We will turn this responsibility over to them.”

One may argue that all stable governments are actually representative in practice. If a king has 90% of the people in his society as his enemies,

⁵1 Samuel 8:3.

⁶1 Sam 8:7.

his throne is surely doomed, although if he has 90% of the weapons and the means of propaganda at his control, his downfall may take some time. This ultimately places responsibility on all the people of a land, even if the government does not have a democratic form. In a sense, democracy only codifies this responsibility. In the Bible, the country of Israel endured cursing from God due to the wrong decisions of King David.⁷ Although they did not participate in his particular decisions, they did put David on the throne and had insisted on the form of monarchy for their government. Therefore they shared in his guilt as their representative. This, again, is used in the Bible symbolically—the perfect king Jesus acts as our representative in regard to sin and guilt.

The concept of representative government is not the same as democracy by opinion poll. In the biblical precedent, leaders are chosen according to their character, and once elected, they are to judge according to their understanding of God’s law, not the opinion of the majority. This is implicit in the instruction to elect “wise” judges.⁸

A number of issues relating the form of representation fall under the category of pragmatic considerations to ensure real representativeness. For the choice of the people to be represented honestly, there clearly must be a system in place to honestly ask and tally the choices of the people. It is not obvious how to do this. First, there is the issue of *enfranchisement*. Who gets to vote? It is easy to say “every person,” but we routinely exclude children. Other groups routinely excluded in modern society include non-citizens (which raises the issue of how to define citizenship, or membership in the community), criminals (who are presumed to have broken their vows of citizenship) and those who are mentally incompetent. What about people who are so poorly informed that when they enter the ballot booth, they vote randomly, based on the sound of a name, or whose name appears at the top of the list? Should they be allowed the vote, while well-informed 15-year-olds are excluded?

One solution would be to have a simple test that citizens must pass to show that they are mentally competent before they can vote, similar to a driver’s license. This used to exist in many places in the US, but the courts threw out such tests because they were systematically used to deny blacks the

⁷2 Samuel 24:10-16.

⁸Some conservatives call this type of government a “republic” rather than a “democracy.” If leaders simply reflect the majority opinions of their constituents, then in an age of internet communication, the need for such leaders is almost done away with.

vote. In a vicious cycle, people without the vote can be denied the means to get education, and their lack of education then becomes the basis of denying them the vote. On the other hand, the system in the US today allows a nearly equally bad vicious cycle: people are educated poorly, just enough for them to be manipulated easily by the popular media, so that they vote the way that the controllers of the media want. The voters will then return to power those who control the media and their own education.

A competence test for voting would clearly put enormous power in the hands of those who define the test. One way to put a check on this power, as with any power, would be to divide it in a federal system of the type discussed in Section 4.1, allowing different state and local governments to define their own tests. This is subject to abuse, if local governments skew their tests to keep out people who won't vote their way, just as local governments can abuse the power of the sword by throwing people in jail on false charges. The solution is not necessarily to throw out the entire system, but to have checks and balances similar to those on crimes prosecuted by local governments. Higher authorities must have the right to demand revisions to unjust competency tests used by local governments.

Justice demands that any local competence test must simply test basic competence, not political views or education level. Questions such as "What is the name of the President?" or "How many states are there?" would seem fair, while questions such as "Are you a Democrat?" or "How many clubs are you allowed to carry in a golf game?" would seem manifestly unjust. It also stands to reason that if a competency test requires some ability such as literacy, then a path to acquire that competency must be made available to the people, i.e., schools.

It is a nonissue in our day whether women should have the vote. No Christians seriously argue against the enfranchisement of women. It is perhaps instructive, however, to understand the reasoning behind the old European system of male voters only. Originally, only landowners could vote. This seemed only natural, since landowners had a direct stake in the decisions of the local government, while those without land could just move on. This system, however, effectively gave the vote only to the rich or upper middle class. The vote was then broadened to include all heads of households. Men were assumed to be the heads of households, and it would have seemed strange at the time for women to vote differently from their husbands. Essentially one vote was given to a household as a unit, rather than to individuals. The biblical pattern of the man as head of the home cannot be used to justify denying

women the vote, however. At the time of Moses, the precedent was clearly established that an unmarried woman can be the head of a home, owning property and selling it.⁹ Rather than trying to define heads of homes, a just government ought simply give all competent adults the right to vote.

Another issue is the *weighting* of votes. It seems a truism today that each vote should be weighted equally, and therefore a system like the US Electoral College seems archaic and unfair. The Senate of the US also does not weight all votes equally, since states each get two senators, no matter how small. The reason for this system is *regional* representation. If all votes are weighted equally, then a few large cities can completely dominate the country. This can lead to a cycle in which wealth flows into the cities, because they control the governmental power, and this wealth attracts new people to move to the cities, which then increases their voting power. This cycle is seen in many Third World countries, which nearly have had their agriculture wiped out because so many people have moved off the land to the cities. It can also be argued that people in cities are easier to propagandize and manipulate, because of the well-known “crowd mentality” which makes people unwilling to express unpopular opinions in a large group.

Regional weighting of votes is therefore a pragmatic way to prevent the concentration of power in a few cities, with the consequent concentration of population in those cities. Geographical subregions, e.g. states in the United States, are given relative weight in representation not directly proportional to their population. This system has demonstrably had the effect in the US of decentralizing the population, sometimes very directly as people move to different states to try to influence the political scene; most famously this occurred when abolitionists moved to Kansas to try to affect the balance of power in the political battle over slavery, and more recently with the designed liberal takeover of Vermont, chosen because it is a small state so that an influx of new people would have greater impact. In general, countries which have equal weighting of votes with no recognition of regional distribution tend to have one large capital city which dominates the culture. Countries like modern Germany and the US with distributed federal systems tend to have less amplification of the growth of just one or two cities.

Some countries with deeply divided ethnic groups may choose to have “ethnic federalism” in which representation is given to certain ethnic groups regardless of number. This system, like regional representation, cannot be

⁹Numbers 27:1-11; Proverbs 31:16.

automatically rejected as unjust. Both systems are designed to represent the people accurately, but not to strictly weight them numerically, to prevent the concentration of power in one group that may vote as a bloc. However, defining ethnic groups in the law in this way ensures that ethnic identity will be established forever, as opposed to the US ideal of the “melting pot” in which old ethnic identities are merged into a new, national identity. When ethnic identity is established as a source of political power, it has the consequence that evangelism and conversion to other religions becomes a political threat, because religious affiliation is often part of an ethnic identity. If only geographic areas are established in the law, ethnic identities can still be taken into account, since people of the same ethnic group tend to live near each other, but assimilation and conversion do not present as much of a threat.

Another issue is that of a *quorum*. In the United States, there is no quorum rule on votes—if only 10% of the population votes, then 51% of those people, or 5.1% of the population, determines who controls the government. At the local level, however, many organizations such as churches and city councils have a quorum rule, which states that a majority of electors must be present for the decisions of group to be legitimate. Some countries have similar rules for national elections. In the US, many people have decried the low voter turnout as a sign of apathy, but perhaps the low turnout is not just apathy, but in many cases a deliberate vote for “none of the above.” If we believe in representative government, then if voter turnout is too low, it should be taken as a “none of the above” vote and new elections should be held. In fact, it might make sense to have a “none of the above” option on every ballot.

On the other hand, the goal should not be to simply get mass numbers of uninformed voters to make random or superficial decisions. If there is a minimum competence test for voter registration, as discussed above, then a quorum would be defined as a majority of those registered. As a pragmatic way of ensuring turnout, those who do not vote in any elections for an extended period of time could lose their registration and could be required to take a competence test again.

The issue of quorum also comes up in regard to *runoff* elections. The present system in the United States virtually assures that the political sphere will be dominated by at most two major parties. In most states, a plurality of votes is all that is needed for a candidate to win; in principle, if 10% of the people cast votes, and the candidate with the largest fraction of the votes gets 35%, then 3.5% of the population will elect the representative. To

prevent this, many countries, and some states in the US, have a runoff rule: the two candidates with the most votes must face each other in a second vote. In other words, no candidate can be seated without getting at least 50% of the total vote cast.

Another issue is the right of *recall*. If the people vote officials into power, but never have the ability to vote them out afterwards, the government is no longer representative. An official who can never be removed from office is a dictator for life.

There are several ways in which the right to recall can be implemented. The simplest method is through terms of office of definite length—each official must stand for reelection periodically. Another is through special recall votes, initiated by a petition of a substantial fraction of the people. Another is through a process of impeachment, in which other elected representatives may remove an official for cause, after a trial.

Recently many evangelicals have embraced the idea of term limits—an absolute upper limit on the number of times an official may be re-elected—and a Constitutional amendment to this effect was passed after World War II for the President of the United States, after President Roosevelt was elected to a fourth term, amid fears that the presidency is so powerful that it must be specially limited. While this may be a good pragmatic rule, there is no intrinsic reason why absolute term limits must be viewed as necessary in a just society. This rule would prevent good people as well as bad from remaining in office. If people want change, it would seem that they could easily vote the person out in the next election. Pragmatically, however, it could simply be another useful type of limit on the power of government. Politicians who have remained in office for years may be able to strike an alliance with the media to make them look good, even if they are corrupt.

Impeachment and removal from office for cause brings up other, deeper principles. Who shall judge the judges? In a strict hierarchy, there is no one with the authority to judge the person at the very top. This was the basis of King James's belief in the "divine right of kings" in the 1600's, also called or *rex lex*: the king is the law. The American solution to this is "checks and balances": three branches of government with limited spheres of authority, each with the power to overrule actions of the others in certain cases. The President can veto the laws of Congress, the Congress can put the President on trial for removal from office, the Congress can also remove judges of the Supreme Court for cause, and the Supreme Court can overrule actions of the other two in specific cases. It is impossible to canonize this system as

the God's ordained system, but the general principle is sound: part of the principle of limited government should be that power is divided through some such system.

Impeachment and removal from office is the most fundamental guard of Samuel Rutherford's principle of *lex rex*: the law is king, and powerful people are not above the law.¹⁰ As such, it should not be considered a crisis when a trial for removal from office occurs. Just as it is the normal function of government to catch criminals, it should be considered a normal function of representative democracy to remove representatives who violate their oaths of office.

It would seem to go without saying that a representative government entails the right of people to speak to their representatives. Further, the people may organize into groups to amplify their voice by speaking with a unified message. Yet in the US this activity is often attacked as "lobbying" by "special interest groups." Most people assume that these lobby groups have only their own financial interests at heart, and this certainly is often the case.

Does lobbying give undue advantage to the rich? Suppose a lobby group of rich people donates money to one candidate, who then votes to give government money to their interests. If this hurts the people, in principle they can vote to recall him. But in the present day, the politician often spends the money on advertisements persuading the people to re-elect him or her. The effectiveness of this kind of advertising is magnified by lack of a competency test for voting: people who are completely unaware of even the basics of government are more easily influenced by short, manipulative ads.

Any attempt to legislate against lobbying seems doomed to being a cure worse than the disease: the government ends up picking winners, defining who is allowed to lobby and who is not, thus controlling political speech and potentially leading to a cycle of the powerful in government passing laws to allow only their friends to lobby. A just alternative is to allow anyone to lobby, including make donations to political campaigns. Large groups of individual small donors can counterbalance the donations of a few rich individuals. This money, of course, must be spent on communication and advertising, not to make the politician personally wealthy. The Bible is full of language condemning bribery in the strongest terms.¹¹

¹⁰See F.A. Schaeffer, *A Christian Manifesto*, (Crossway Books, 1981).

¹¹E.g., Exodus 18:21, Deuteronomy 16:19, Deuteronomy 27:25; Proverbs 17:23.

Ultimately, the problem of lobby groups is related to the problem of the concentration of wealth in the hands of a few. If only a few people have all the money, they can perpetuate their power by advertising propaganda that justifies their position, and no one will have the money to support advertising that says any different. This problem is addressed in Chapter 6.

All of these details may seem like pragmatic issues on which there is no uniquely “Christian” view. The principle of representation, however, is a biblical one, and an important limit on the power of government, and therefore these pragmatic issues must be worked out to have fair elections and representation.

5.3 Judges

In most Western democratic governments, there is a branch of government known as the “legislature,” which is defined as the body of government which makes laws, i.e. it is comprised of “lawmakers.” There is an intrinsic problem with lawmakers, however. If a legislator takes office and makes no laws, people will accuse him or her of laziness, of doing nothing. Yet if the laws of a land are just, then this is precisely what the legislator should do! Having a body of legislators seems to presume that the laws of the land will always be unjust and legislators will always need to make new ones. In such a system, it is inevitable that the number of laws will increase, until the society has a forest of laws no one can penetrate.

In the Law of Moses, there is no role of “lawmaker.” The laws were given by God and assumed eternal. Even in the change of covenant in the New Testament, there is no new role of lawmaker. The eternal moral laws are assumed to be fixed, not changed according to the whims of society. Thus every elected representative, in the biblical world view, is in effect a *judge*—deciding how to apply the enduring universal laws of God to the specific new situations that arise.

There are different types of judging, however. One type of judging decides whether a particular moral principle implies a rule for all people in the society. For example, the general moral prohibition of recklessness may be interpreted to mean that no one should drive faster than 70 miles per hour, based on statistical studies of traffic accidents. Another type of judging decides whether a particular person has violated one of these rules. A third type of judging decides in specific cases between two parties who lay claim to

property claimed by the other. In the United States the first type of judging is the job of the “legislature,” the second the “criminal courts,” and the third the “civil courts.” All three have a biblical mandate to exist.

What difference would it make if we saw the job of the legislature primarily as that of judge rather than lawmaker? Perhaps not that much, except for this: the legislature would have to justify its rules, as a judge would, in terms of higher law.

In the English-speaking world, the standard system for courtroom judging is called “common law,” as opposed to the European system of “civil law.” The system of common law requires that judges not only look at the laws on the books as written by the legislature, but also at the precedent of all previous relevant judicial decisions. The underlying premise for this system is that the basis of all laws and judicial decisions is a universal, unchanging moral law. Therefore, later courts cannot rule differently from earlier courts unless they can show either a new circumstance not considered by the earlier court or an error made by the earlier court. In the European system of civil law, this is not so—the courts rule only on the basis of the most recent relevant law passed by the legislature. This system derives from the Napoleonic code, which dismissed the idea of a universal moral law at the same time that it dismissed God and religion. The effect of this system is not only to have a more rapidly changing law, but also to give more power to judges, who interpret each law passed by the legislature on the basis of only their own ideas and desires. This ultimately violates the biblical standard of not having “varying weights and measures”¹²—the standards of judges can vary enormously.

In the US, the system has evolved to not being that much different. Although legal arguments are made in terms of precedents, there is no universally acknowledged *ultimate* precedent or principle. This is true not only of courts but also legislatures, that is, judges of societal rules. For example, recently the Supreme Court ruled that mentally retarded people, even if judged guilty, aware of their actions and the wrongfulness of them, could not be subject to the death penalty, on the basis that most people now feel this is a bad thing.¹³ There was no reference to prior precedent in law, and in fact, numerous precedents with the opposite ruling.

¹²Proverbs 20:10, 23.

¹³Atkins v. Virginia, 536 U.S. 204 (2002).

5.3.1 Appeals

Deeply embedded in the Western legal system is the idea of the right of *appeal* to a high court. This is related to the concept of federalism, discussed in Section 5.4.2, and is fundamentally connected to the idea of limited government. No single judge has the power to render judgments unchecked. The right to appeal also is based on my general principle 2.1 in Section 2.1, that a third party can be called on to render justice. In this case, the third party is the higher court, and the dispute is between the unsatisfied party and the original judge.

Of course, the chain of appeal must stop somewhere, leading to a highest court. The principle of limited government means that even the judges in the highest court must have limited power. This can only be accomplished by the right of recall, discussed in Section 5.2 above. In this case, the people as a whole are then the final court of appeal, if a judge has ruled egregiously. In the US, most state judges are subject to recall votes, but not the Supreme Court of the US, although they can be impeached and put on trial by the Senate for crimes. This has tilted the balance of power strongly in favor of the judges, allowing them in some cases to dictate laws to the legislature.

Another important check on the power of judges is the principle of holding witnesses accountable, discussed in Section 4.2.2. In the Law of Moses, false witnesses and corrupt judges are liable to the same penalty as the person one trial. Witnesses are liable for this punishment if they are found to have given false evidence maliciously or for personal gain. Judges in the same way ought to be liable if they have ruled unjustly for either of the same reasons. The latter case implies that judges may be put on trial in the case of malice or corruption, not only removed from office; a recall vote would be the appropriate remedy for a person seen as simply unwise, but not for one actually accused of deliberate evil.

In the US there is a principle of common law that a person cannot be tried twice for the same crime, if he has been exonerated by one court. The reason for this is to prevent the government from persecuting people by hauling them before a court over and over until it gets a conviction. Courts in Germany and elsewhere do not hold to this principle, and allow a prosecutor as well as a defendant to appeal a decision. The argument for this practice is the possibility that a lower court seriously erred in a point of law, or that new evidence has surfaced. It would be hard to argue from the Bible for or against either system. However, if prosecutors are allowed to appeal decisions

to higher courts, this power must be strongly limited. One valid reason to allow the prosecution to appeal would be because of an error by a lower court in knowing what the law is, not simply a disagreement of others about whether the defendant broke the law. The possibility of new evidence will be discussed below.

5.3.2 Juries

The Bible knows nothing of juries, only judges. Essentially, juries are “lay judges”: people without training in law who are called upon to render legal judgments after those with legal training have laid the evidence before them.

The jury system is deeply ingrained in American thinking. Yet in recent years, abuses of the jury system have become rampant. Lawyers manipulate juries of nonexperts to judge based on emotion and prejudice, often giving judgments that no objective, intelligent person would render.

To understand the jury system, we must go back to its roots. In old England, judges came entirely from the upper classes, and the lower classes felt that they could not get a fair trial from wealthy men prejudiced to look down on them. The right to a jury of one’s “peers,” i.e. those from the same social class, became a rallying cry.

Although there is no equivalent class system in the US today, many people feel that they do not trust the “lawyer class” to provide all the judges who judge them. Yet juries have proved to be often easily manipulated by those from the lawyer class. Two aspects of the modern system make it possible for lawyers to easily manipulate juries. One is the common practice of courts to allow lawyers to remove jurors after interviewing them. The original principle is a just one: if a juror is found to have conflict of interest, or blinding prejudice, then he or she cannot be trusted as a just judge. But in most US states, lawyers can also remove a certain number of jurors for no stated cause. These jurors could be removed simply because the lawyer thinks they are too intelligent, or too hard to manipulate. This practice violates the purported purpose of juries, namely, to be judged by a fair sampling of society. It also violates the biblical standard of judges that they be able to make a “thorough investigation”¹⁴ to determine if a witness is lying, i.e., have the acumen to be able to see through deceptions, ask good questions, and not be easily deceived or manipulated.

¹⁴Deuteronomy 19:18.

Another problem is that jury salaries typically are laughably small—a few dollars a day—so that people with steady jobs do everything they can to avoid jury service (even though the law requires that they report for duty) lest they lose substantial wages. Juries are heavily weighted toward those without steady jobs, which statistically means people less likely to be hard-headed and clear thinking. Others such as mothers with small children also can have severe hardship in serving and are therefore more likely to be excluded.

Asking people to serve on a juries without compensation comparable to their salaries is an unjust seizure by the government of their time, no different from seizing their land for public use without adequate compensation. If a state uses a jury system, justice would seem to demand that it must select people from all classes of life and compensate them adequately for their lost salary and for any other expenses which arise, such as child care.

The original argument of “trial by one’s peers” leads to other interesting questions. Medical doctors are often judged in malpractice trials by lay people and lawyers—would it not make more sense to have other doctors judge, as their peers? Some might respond that such a system would lead to an “old boys’ network” in which doctors protected each other. But how is this different from any group of peers, e.g. lower class people who acquit each other in a type of “honor among thieves”? Should Gypsies be judged only by other Gypsies? Ethnic groups only by other members of the same ethnic group? A reasonable balance would be to require representation and voice for members of the defendant’s “community,” but not absolute veto power in judgments; in other words, the judges and jury should fairly represent the entire society.

5.3.3 Evidence

The Bible is full of injunctions about witnesses. The importance of witnesses stems from another basic principle of law:

Evidence does not speak for itself. Every legal trial is a judgment about the credibility of human testimony.

(5.2)

There is no place where this is more the case than in the case of “expert” witnesses. Often, modern legal proceedings involve detailed analysis

of highly scientific data, such as DNA analysis, chemical analysis, etc. In the future, photographic evidence will similarly require experts to testify whether pictures are authentic or have been doctored, since digital editing of photographs is now easy.

The most basic restraint on the use of expert witnesses would be to hold them to the same standard as other witnesses and judges, discussed above and in Section 4.2.2, namely: to hold expert witnesses liable to the punishments at stake in the trial, if they testify falsely.

One of the greatest temptations of expert witnesses is not to fabricate evidence, but rather, to testify falsely regarding the *certainty* that they have about the data. Much scientific evidence is open to more than one possible interpretation. An expert may report the most likely explanation, but not report accurately the degree of uncertainty. Expert testimony ought to represent accurately the degree of uncertainty, and if it does not, it counts as false witness.

A very fundamental biblical constraint on evidence is the need for two or three witnesses to convict anyone of a crime.¹⁵ This includes expert witnesses who testify about the significance of various types of physical evidence. This raising of the bar of evidence clearly means that it is preferable to let some guilty people go free than to convict innocent people, as discussed in Section 3.3. The same rationale holds for the longstanding principle in Western law, that a person is treated as “innocent until proven guilty.” The burden of proof is on those who accuse the defendant to show positive evidence of wrongdoing. In many cases, this may mean that people who are actually guilty go free because of insufficient evidence, but the alternative, guilty until proven innocent, opens the door to no end of false accusations to harass enemies.

The requirement of two or three witnesses is a very early application of statistical analysis. The odds are simply very low that two or three people who err or lie will tell the same story. This, of course, assumes that the witnesses’ testimonies are *independent*; judges must make sure to detect whether there has been collusion, either for the purpose of deliberate harm to the accused or simply by talking to each other or reading an account in the public media. Deliberate collusion is false witness. Having outside influences such as media accounts does not automatically invalidate a witness, however, if the witness clearly testifies as to what parts of the story he or she knows first

¹⁵Numbers 35:30; Deuteronomy 17:6; Deuteronomy 19:15.

hand.

This principle shows that in general, the idea of statistical or probabilistic certainty is not foreign to biblical thinking. Lawcourts may convict on the basis of very probable interpretations of evidence, even if an absolute proof is not possible. The Western law system asks for certainty “beyond a reasonable doubt.” It is always possible to have unreasonable doubts. While it is not always possible to exactly quantify the degree of probability that will satisfy the criterion of “beyond a reasonable doubt,” the general principle still holds that high probability, and not absolute certainty, is needed for just judgments. Thus, for example, one can never be *absolutely* sure that a murder conviction is correct. It is possible to be sure beyond a reasonable doubt, however, especially if all the witnesses who give testimony know that false witness, including false witness about how certain one is, may be punishable by death.

One principle of evidence established in the US in the last half of the twentieth century has led to a tremendous sense of injustice in society. This is the principle of excluding evidence if it was obtained illegally. So, for example, if the police do not follow procedures exactly correctly, then a killer may go free simply because the police did not have a proper permission when they found clear evidence of his crime. The argument for this principle is to deter the government from illegal activity when trying to obtain evidence, forcing government agents to go through the proper procedures, so that they do not begin wantonly searching people’s homes and property illegally.

Yet letting the criminal go free does not seem to have much deterrent power for police. Instead, it seems only to demoralize them, as they see their hard work go for nothing when people they know are guilty go free. And society at large begins to feel that crime pays, that even if a criminal is caught, he may go free on a technicality.

A reasonable remedy is to not throw out judgments based on illegally obtained evidence, but rather, to allow the evidence but also to hold individuals who have obtained evidence personally liable for penalties for violating the proper procedure for searches and evidence. This would create a much greater deterrent for illegal searches, and also not allow the perception of injustice based on technicalities. One could have a situation, for example, in which a policeman broke into a home without adequate warrant and found evidence of a murder, and the murderer was convicted of a capital crime while the policeman was also convicted of illegal breaking and entering. The two crimes do not cancel out.

5.4 Separation of Powers

We have already discussed in Section 4.1 the concept of separation of powers and decentralized control as an outworking of the biblical notion that absolute power corrupts absolutely, based on the belief that all people are sinful. There are many ways to divide and decentralize power. The United States has two methods of dividing power: different branches of the central government, and different levels of government in a federal system.

5.4.1 Parliaments and Congresses

The system in the United States today effectively prevents the existence of small political parties. This is no accident—the framers of the Constitution disliked the idea of political parties altogether and wrote the rules to discourage them. The outcome of the system is that we have two major political parties, but each is so large that it cannot be called a party in the original sense. What was called a party or a faction in the famous *Federalist Papers* written at the time of the founding of the US would more properly be called today an “interest group”: a group of people with a single, unified agenda. The two national parties, Republican and Democrat, effectively function as subordinate branches of the government which hold preliminary rounds of elections (primaries) to eliminate some candidates and which draw together many subordinate interest groups (which would be called parties in other systems) to form a governing body in each branch of the government.

The system in the US discourages multiple parties primarily by having elections for individuals in geographical areas rather than party elections. Thus, a party which won 49% of the vote in every single voting district of the country would have zero representation in Congress. Natural fluctuation implies that a party that really has 49% support across the country will win some seats. But a party with 20% support across the country is truly likely to get zero seats.

In some countries, people vote for a party, and the number of seats in the legislature is awarded proportional to the number of votes per party. This is known generally as a parliamentary system. Such a system discourages voting for a representative based on the character of persons, since a person voting may not even know who the representatives of his preferred party will be until the vote is counted. Purely parliamentary systems can lead to a proliferation of small parties, as in Israel or Italy; some countries balance

this by having a mixed system of some geographical representation and some party representation.

A different way to prevent domination by a few large parties would be to enforce a runoff rule, as discussed above in Section 5.2. This encourages people to vote for their party of choice in the first round, while still allowing them to not feel their vote has been thrown away, since they get to vote in any runoff election.

In general, a system that directly rewards votes for small parties could be justified on the same basis as an “ethnic federalism” system discussed in Section 5.2. If people have strong allegiances to certain party ideologies in the same way that some people have strong senses of ethnic identity, it may make sense to ensure representation from each subgroup. But having such a system also reinforces such senses of identity, and so one must ask whether that is a good goal. In the US, the geographical representation system encourages geographical identity and reduces ethnic and ideological identity. As discussed in Section 5.2, this has the effect of reducing the unchecked growth of cities at the expense of rural areas. Reinforcing ethnic and ideological identity could lead to much greater conflict between different groups even as they accumulate in a few large cities.

5.4.2 Federalism

As discussed in Section 4.1 and above in Section 5.2, a federal system, in which different geographic regions hold important governmental powers separate from the central government, has many important advantages for preventing any one person or group from having absolute power.

As discussed above in Section 5.3, a federal system can also be used in judging so that people have the possibility of appeal to a higher court. In this case the lines of overlap between different levels of authority are clear: cases rise to the consideration of higher courts when one of the parties in the lower court appeals a decision. In the case of laws and policies, the lines are not so obvious: in what cases may a higher federal authority overrule a lower authority? For example, if a state makes a rule on the safe speed for automobile driving, ought the federal government have the power to overrule that and set its own speed limits? In the US, many Christians have seen the principle of the Tenth Amendment to the Constitution: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,” as an

important mechanism for preventing accumulation of power in the central government.

It is not possible to draw this line between the powers purely from philosophical or ethical principles. Many of the details will depend on historical and geographical considerations. The states of the US, for example, started as colonies with charters, not as divisions of a larger country for purely logical reasons. As discussed in Section 5.2, it may even make sense to recognize cultural divisions.

An important general principle, however, already discussed in Section 3.7, is that no lower authority can be *completely* autonomous, for this would amount to secession, and only a legitimate rebellion can justify this. The highest authority has the responsibility to make sure that no regional or local government is unjust or oppressive to people in its midst.

In the present US political scene, it almost seems as though liberals feel that the federal government is incorruptible, while conservatives feel that state and local governments are incorruptible. Conservatives seem to selectively remember the crimes of totalitarian states like Nazi Germany and Stalinist communism, while liberals selectively remember the crimes of the state and local governments of the Jim Crow South. Christians should have no illusions about the corruptibility of either central or regional governments: all people are sinful and subject to corruption. While a local government may not have absolute power over the whole country, if any local government official feels absolute power over those locally under his authority, with no restraint from higher authorities, then that power will tend also to lead to local oppression. The old movies of the evil mayor in cahoots with the gang in an isolated western cowboy town, or corrupt police working with Chicago bootleggers, while fictionalized in many ways, had part of their appeal in their believability; no one watching those movies could think that such a situation was impossible. A local tyrant can be the worst tyrant of all.

The principle of federalism limits the power of any one part of government by having it share authority with other governments. Higher levels of government are held in check by a constitution that delegates most of the day-to-day authority to lower levels, while local governments are held in check by knowing they must report to higher authorities.

A national government therefore ought to have the power to overturn local or state policies, but this power should not be easy to take up. A way to enforce this balance would be to require a supermajority of other states, say 60%, to agree to overturn the policies of one state that are otherwise not

delegated to the national government.

5.5 Government Agencies and Bureaucracies

An intrinsic problem for those who believe in limited government is that all governments tend to expand. The cycle goes as follows: legislators make a set of rules. To enforce the rules, they set up a permanent agency. This provides jobs for numerous people, funded from tax money. In addition, the agency awards contracts to suppliers, making even more people dependent on the agency. This large number of people can then become a voting bloc which lobbies the government and propagandizes the rest of the public about the importance of this agency and its mission. These people also use their money, which came from the government, to lobby the government. Thus tax money is indirectly spent to persuade the government and the public to increase the amount of tax money spent and the number of jobs for the agency. A cycle is created in which more funding of the agency leads to an ever larger group of people with an interest in more funding for the agency.

For example, many scholars have pointed out dangers of the “military-industrial complex.” Tax money is spent preparing for war, which creates a bloc of people with a vested interest in having a war, or at least in increasing the amount of resources spent on preparing for it. One solution, once favored by many people in the United States, would be to have no standing army—to abolish all armies except in war time. The lightning speed of modern warfare and constant danger of terrorism make this unrealistic. A nation must have some standing defense at all times, or else it will fail at the most basic point of legitimacy, being able to protect its people, as discussed in Section 2.3.

Fewer people have paid attention to a similar “media-education complex.” If the government underwrites education, it will need an agency to make sure the money is well spent, which has authority over the schools, since it can revoke the money going to them. This government-controlled education system trains those who run the news and entertainment media which inform the people. These media then tell people about the importance of the government-controlled education system. In the US, public school teachers are presented in the national media as nearly saints; major universities, which train teachers and news media workers, get their funding from the government and also supply the people who run the government agencies.

As discussed in Section 5.2, various attempts at lobbying reform have

focused on regulating lobbyists, which undermines the right to free speech. When is a person a “lobbyist” and when simply a private citizen organizing others to persuade the government of some course of action? Lobbying can only be prevented if representatives in government refuse to listen to anyone. Again, some might want to abolish the government-run education system, but this could lead to the instability of a permanent underclass, as discussed in Section 3.5.

The best solution to all this seems to be simply to have an absolute upper bound on the total resources available to the government, for example, no more than 10% of the total product of the nation. Methods of taxation will be discussed in Section 6.8. A constitutional rule to this effect might allow exceptions to be made in time of emergency by a supermajority, e.g., 90%, of the representatives of the people, and a requirement to always have a time limit for such exceptions, which can only be extended by a similar majority.

In this case, lobbying becomes a “zero-sum game”—lobbying for your cause means lobbying against someone else’s. Without an upper bound, the easiest path for representatives is to try to please all the lobbyists by raising the total expenditures of the government.

5.6 Treaties

If there is one area in which the United States has a shameful reputation, which has even brought discredit even on the name of Christ, it is the way in which the US has broken treaties over the years. In many cases, such as the infamous Trail of Tears incident, many conservative Christians supported these actions, although other conservative Christians strongly spoke out against them.

A treaty can be viewed as a national covenant. As such, the Bible has very strong words about treaty breaking. King Saul was cursed because a treaty with the tribe of Gibeonites was broken, even though that treaty had originally been entered into through a deception.¹⁶

Similar to a personal vow, a national vow, or treaty, is always optional, but once entered into, invites the curse of God if broken.¹⁷ One objection to taking treaties as unbreakable, however, is that the situation may change: what if the other nation changes its character? Must we stand allied to that

¹⁶2 Samuel 21:1; cf. Joshua 9.

¹⁷Ecclesiastes 5:4-6.

country forever? A way to avoid this problem is simply to write into treaties a time limit after which they expire or must be renegotiated.

Another objection arises to any treaty that would put one's country under the authority of what is effectively another government at a higher level. There can be no objection to this in principle, since it amounts to the same type of legitimacy given by any body of people to a government at any level. If this type of acceptance of a new governmental body does occur, however, all of the limits and checks and balances of a just government discussed previously in Chapters 3 and 4 must also apply to this higher-level government: representation, limited powers, constitutionality, etc.

A small group of representatives of a government may draft a treaty, but a treaty binding a whole country must be ratified by representatives that may legitimately be seen as representing the whole country. In the Bible, nations and tribes often affirmed that "we" accepted an alliance. Presumably the entire nation of more than a million people did not stand in one place together, but enough of their representatives were gathered to be viewed as a legitimate.

Part II

Biblical Approaches in a Modern Society

Chapter 6

Economics and Poverty

Christians do not have the option of ignoring the issues of economics and poverty. The Bible is full of injunctions to be concerned about the poor, as Ron Sider has so amply documented in his book, *Cry Justice*.¹ No matter whether one agrees with Sider or not, this book is worth reading just to see how much of the Bible is devoted to concern for the poor.

6.1 The Right to Private Property

Ron Sider's approach to poverty is essentially socialism, although he has backed away from some of his more extreme positions in recent years.² Jim Wallis, another Christian leftist, continues to argue for socialism.³ Socialism has been a scare word in recent years, but ought to be treated as a serious philosophy.

Some people, especially Europeans, equate socialism with communism, but in the US, socialism is considered to be a different system from communism. We can effectively define socialism as the position that there is no fundamental limit to the social and economic problems which government may legitimately try to manage and solve. In the socialist view, if government is not presently addressing a social or economic problem, it is either

¹R. Sider, *Cry Justice: The Bible on Hunger and Poverty*, (Intervarsity Press, 1980).

²R. Sider, *Rich Christians in an Age of Hunger*, (Thomas Nelson, 2005). In this most recent edition, Sider says "The times have changed, and so have I...I admit, though, that I didn't know a great deal of economics when I wrote the first edition of *Rich Christians*.

³J. Wallis, *Agenda for Biblical People*, (Harper Collins, 1984).

neglecting its duty, or it has delegated that duty to another agent. One can define a socialist as someone who, when he hears of a problem, starts out by saying, “The government ought to . . .” By this definition, a great number of people in North America and Europe today are socialist.⁴ This mentality is so deeply ingrained that when Christian conservatives oppose the extension of governmental control into various sectors of the economy, they are derided as “heartless.” Concern for the poor is almost always equated in the modern mind with advocating governmental action, and opposing government action is equated with unconcern about the problem.

As discussed in Chapter 3, Christians must affirm limits to the power of government, since absolute power corrupts absolutely, and this includes the economy. Economic freedom, the right to buy and sell what one chooses for the price that one chooses, is therefore as fundamental as other freedoms.⁵ Since economic power is perhaps the greatest of all powers, economic freedom is perhaps the most important of the constraints on the power of government. Money can buy guns and money can buy access to the printing press; control of money implies control of these things.

As also discussed in Chapter 3, placing a limit on the government in this way automatically means that there will be some evils which will be tolerated. Just as the right to free speech means that we must tolerate error, and the right to privacy means some crimes will go unstopped, the right to buy and sell freely means that some people will become poor. This may be hard to stomach for many people, but the alternative of total control of the economy by the government is unacceptable if we truly believe that all people are subject to corruption, and absolute power corrupts absolutely.

Economic freedom is also a matter of justice. “The laborer is worthy of his wages.”⁶ The one who works deserves rewards proportional to his work. If one person produces more than another person, he or she deserves to have more reward. This is true even if the reason why one produces more is because he or she is more gifted, either innately, by better upbringing, or by using resources which have been inherited. For example, suppose that two

⁴A variation is known as “Fabian” socialism, which advocates an incremental approach, increasing over time. See, e.g., R.L. Martin, *Fabian Freeway: High Road to Socialism in the USA*, (Heritage Foundation, 1966).

⁵It is notable that the law of Moses never prescribes price controls for any sales, in contrast to the code of Hamurabi, an ancient code roughly from the same time period, which prescribes prices for many commodities.

⁶1 Timothy 5:18; see also Romans 4:4 and James 5:4.

carpenters both work to make identical chairs. One can produce two chairs per day, and the other can produce four chairs per day of the same quality. It is simple fact that the second has produced twice as much economic value, regardless of why. To reward all efforts equally, even if some are unproductive, is fundamentally to deny the truth, to act as though something is valuable when it is not. This does not mean that the people themselves have different value. We can affirm the intrinsic value of each person without needing to pretend that each person's works have the same economic value.

Some Christians believe that the existence of poverty is intrinsically an injustice; thus, in many churches, ministry to help the poor is called a "social justice ministry." We must be careful here. As discussed in Section 2.2, justice as formulated in the Bible fundamentally relates to the effects of human sin. The Bible clearly says in many places that poverty *often* comes from injustice, but it never says that the existence of all poverty is *intrinsically* unjust. Most often, the Bible talks of injustice happening after a person has become poor, and therefore has become easy prey for the rich and powerful, who may then keep a person poor.⁷ The rich often do oppress the poor, but the Bible also says that poverty can come about due to personal choices, such as laziness,⁸ hasty and foolish investments,⁹ and unwise legal entanglements.¹⁰ In addition, the Bible goes out of its way to require that the civil courts of the nation not favor the poor any more than the rich: Leviticus 19:15 says, "You shall do no injustice in court. You shall not be partial to the poor or defer to the great;" Exodus 23:3 says "Nor shall you be partial to a poor man in his lawsuit, but in righteousness shall you judge your neighbor." If poverty is intrinsically the result of injustice, it might indeed make sense to favor the poor over the rich in the law, but the Bible rejects this. Recall, as discussed in Section 5.3, that in the Old Testament system, the courts were the entire government; there was no legislature. Thus one can extend this principle of equal treatment of rich and poor under the law to all aspects of

⁷E.g., Proverbs 12:23: "The fallow ground of the poor would yield much food, but it is swept away through injustice;" Ezekiel 22:29: "The people of the land have practiced extortion and committed robbery. They have oppressed the poor and needy, and have extorted from the sojourner without justice;" see also Psalm 35:10, Isaiah 3:14-15.

⁸Proverbs 6:10-11: "A little sleep, a little slumber, a little folding of the hands to rest, and poverty will come upon you like a robber, and want like an armed man;" Proverbs 10:4: "A slack hand causes poverty, but the hand of the diligent makes rich;" see also Proverbs 20:13, 23:21, 24:33-34.

⁹E.g., Proverbs 21:5, Proverbs 28:19; Proverbs 28:22.

¹⁰E.g., Proverbs 11:15.

a government.

The right of private property is everywhere established in the Bible. This might seem to be obvious, but many Christians have argued otherwise. For example, the popular author Tim Keller has stated that the Old Testament ethic implies communal ownership of all things (though he seems to have been arguing for a sense of moral obligation, not legal communal ownership as in communism).¹¹ It is therefore worth taking a moment to establish this point.

Two of the Ten Commandments imply the concept of private ownership of property. The command “Do not steal” assumes the right to private ownership, since stealing implies that another person has ownership of something and you do not. The command “You shall not covet” is even more significant. It implies not only private ownership, but acceptance of inequalities—your neighbor is allowed to have more oxen, etc., than you. This is a crucial point in the biblical view of economics. Some inequities may be due to injustice, but not all are intrinsically so. The fact that the law to not covet was included in the “top ten” commandments in the Bible shows the importance of this concept in biblical thinking.

Some people believe that the early church practiced communism, or more accurately, communalism (communism may be defined as the government ownership and control of all property, while communalism may be defined as a voluntary common ownership of all things in a group). Yet a story of the early church recorded in the book of Acts specifically affirms the right to private property. In the story of Ananias and Saphira, a couple sold their land to give a donation to the church but lied about how much they had gotten from the sale. Peter later says, “Didn’t it belong to you before it was sold? And after it was sold, wasn’t the money at your disposal?”¹² The early church was characterized by incredible generosity and sharing, but the New Testament clearly teaches that this generosity was *voluntary*, that each person had the right to give what he or she wanted to the church and keep the rest. Paul explicitly states this in 2 Corinthians 9:7: “Each one must give as he has made up his mind, not reluctantly or under compulsion, for

¹¹“Biblical justice means interwovenness, interdependence, bringing individuals to see that our stuff isn’t just ours....Wicked people see their resources as belonging to them, and to them alone. Righteous people see that much of what they have belongs to the community; the wicked say no, its all mine.” T. Keller, “The Beauty of Biblical Justice,” *By Faith* 29, (October 2010).

¹²Acts 5:4.

God loves a cheerful giver.”¹³

We may therefore conclude that the concept of private property, with the implication of inequality of wealth, is affirmed in the Bible. The system of private property and individual choices on sales and exchange of labor and private property can be termed *capitalism*. Yet saying that the Bible affirms capitalism raises hackles in many quarters. The term “capitalism” is often associated with the amassing of huge amounts of capital by individuals, who then become rivals to the government and a new type of tyrant and slavemaster. Such has indeed happened in more than one place in history. The question for Christians is then how to avoid such a situation while still affirming the basic tenets of private property and economic freedom.

Christians have tended to fall into two extremes on the issue of helping the poor. On one hand, some Christians see the biblical mandate for generosity as a rejection of all work for private gain and a rejection of all private property ownership. As discussed above, this is not the ethic of the Bible. The Bible always has in mind voluntary generosity out of a person’s privately owned property; an overflow of abundance produced by fruitful labor. Not only is work to gain private property allowed, laziness and avoiding work are condemned. Paul says to the church not to support able-bodied people who simply refuse to work: “If a man will not work, let him not eat.”¹⁵ The Proverbs of the Old Testament also condemn laziness, e.g. Proverbs 6:6-11, which says “Go to the ant, you sluggard; consider its ways and be wise! It has no commander, no overseer or ruler, yet it stores its provisions in summer and gathers its food at harvest. How long will you lie there, you sluggard?”

¹³Many evangelical Christian groups have practiced communalism over the ages, however, usually with disastrous results. One example is the Pilgrims in New England. William Bradford, in his diary,¹⁴ wrote “For this community was found to breed much confusion and discontent, and retard much employment that would have been to their benefit and comfort. For young men that were most able and fit for labor and service did repine that they should spend their time and strength to work for other men’s wives and children without any recompense, that was thought injustice.” Note the sense of *injustice* felt by the young men in effectively working without pay for others. Bradford quickly changed the system: “Every family was assigned its own plot of land to work and permitted to market its own crops and products. This had very good success, for it made all hands industrious, so as much more corn was planted than otherwise would have been.”

Monks in the middle ages practiced communalism, but relied on begging to make ends meet, or on taxes. Monks eventually became a despised class viewed as parasites, and this was one of the root causes of the Reformation.

¹⁵2 Thessalonians 3:10.

On the other hand, some Christians take the view that they need only help the poor with a bare minimum, as a sort of tax, and may spend the rest of their lives and money in self indulgence. The Bible makes strong demands on the conscience of Christians in the area of generosity, however. Jesus says, for example, “Go and sell all you have and give to the poor.”¹⁶ Some people have explained away this command by saying it applied only to the rich young ruler in the story of Matthew 19, but Jesus also told the entire congregation to sell their possessions to give to the poor.¹⁷ While he did not tell the congregation to sell every single thing they own, he used the same formula: “Go and sell your possessions and give to the poor.” This command is for all Christians. This pattern is not only a New Testament ethic. Job, who is honored in the Bible as an exemplary believer, says

If I have denied the desires of the poor or let the eyes of the widow grow weary, if I have kept my bread to myself, not sharing it with the fatherless—but from my youth I reared him as would a father, and from my birth I guided the widow—if I have seen anyone perishing for lack of clothing, or a needy man without a garment, and his heart did not bless me for warming him with the fleece from my sheep, if I have raised my hand against the fatherless, knowing that I had influence in court, then let my arm fall from the shoulder, let it be broken off at the joint. (Job 31:16-22)

Old Testament patriarchs like Job had great wealth, but they also felt duty bound to help all the poor who came their way. Proverbs, while condemning laziness, also encourages generosity to the poor. For example, Proverbs 19:17 says “He who is kind to the poor lends to the Lord, and he will reward him for what he has done;” Proverbs 21:23 says, “If a man shuts his ears to the cry of the poor, he too will cry out and not be answered.”

These two themes of work and generosity can be reconciled by understanding the concept of *productivity*, or *fruitfulness*. The constant theme of the Bible is that Christians should be productive, and generosity should flow from this productiveness. As God gives us the ability to generate wealth, our wealth overflows to others for their benefit. What is condemned in the Bible is the *storing up* of wealth, keeping wealth (or gifts of any kinds) unused

¹⁶Matthew 19:21.

¹⁷Luke 12:33.

when they could be used for good—this is a type of barrenness, or sterility. James says, “Your gold and silver are corroded. Their corrosion will testify against you and eat your flesh like fire. You have hoarded wealth in the last days.”¹⁸ Jesus says, “Do not store up for yourselves treasures on earth, where moth and rust destroy, and where thieves break in and steal, but store up for yourselves treasures in heaven, where moth and rust do not destroy, and where thieves do not break in and steal.”¹⁹ We are to work, and create wealth, but we are not to store it up unproductively.²⁰ Often, people store up wealth as a way of feeling secure about the future, but the Bible says clearly that no one can know the future and the best security is to trust in God. As the proverb of the ant shows, it is sensible to store up some amount for needs we know we will have in the future, but we must also look beyond ourselves to the needs of others.

The Bible therefore supports the famous “Protestant work ethic,” if the work we do is understood as work for God’s goals and purposes, and not merely work to pile up wealth for ourselves. Many people have called this principle into question as if it were an invention of Calvinists at the time of the Reformation, but the Bible itself supports the virtue of productive work which leads to wealth overflowing to the benefit of others.

It is therefore not merely “right wing” to say that the Bible supports the system of capitalism, which at its essence includes the following three principles: 1) private property is allowed, 2) people have the right to buy and sell that property for whatever price they want, and 3) the government is limited in its power to control the economy. Christians who favor capitalism sometimes have sounded less Christian because of the terminology used by defenders of capitalism, such as the “virtue of selfishness” or “greed is good.” But the key to capitalism is not that each person acts *selfishly*, but that each acts *independently*, making his or her own decisions about how to earn income, how to spend it or give it away, whether to join groups or to separate from them.

Apart from the in-principle arguments for this independence given above, there is a strong pragmatic argument for it: the independence of each economic actor prevents the bottleneck of information which occurs in any centrally planned system. In any top-down system, all information must to flow

¹⁸James 5:3.

¹⁹Matthew 6:19.

²⁰See also Proverbs 28:8, Ecclesiastes 2:26, Luke 12:16-21.

to and from central planners for them to make proper decisions, and this inevitably leads to poor decisions based on incomplete information or delay of communications. To use computer language, capitalism is a way of using massively parallel processing to solve a complex optimization problem. Each person works on a local optimization problem, and all the billions of people optimizing in parallel, that is, independently and at the same time, can generate far better results than one leader or even an intelligent oligarchy can. As any computer expert knows, massively parallel processing, even when the individual processors are not very intelligent, always beats a single processor even if that processor is quite sophisticated.

Although the Bible supports some form of capitalism, the Christian must have an answer to the problem of the the uncontrolled growth of private property. We must learn from history. The reason why Western governments today have so much power is because in the nineteenth century, great abuses were inflicted on society by a few extremely wealthy people. Bible-believing Christians were leaders in the movement to build up the power of government to oppose the wealthy “Robber Barons” and to help the poor, stimulated by books such as *Oliver Twist* by Charles Dickens and *How the Other Half Lives* by Jacob Riis.²¹ The lives and speeches of William Jennings Bryan and Theodore Roosevelt are especially instructive in this regard. Both strongly emphasized the Biblical mandate to help the poor.²² In the late 1800’s and early 1900’s, these two led a great movement of Bible-believing Christians known as the Progressive movement, which had the goals of a national income tax, anti-trust laws, child labor laws, and Prohibition, all of out concern for the poor.

We must never go back again. If we are to argue for limits on governmental control, then we must be able to explain why we think this will not take us back to the bad old days of the Robber Barons.

²¹J. Riis, *How the Other Half Lives: Studies Among the Tenements of New York*, (Scribner, 1901; reprinted by Bedford Books of St. Martin’s Press, 1996).

²²E.g., *Theodore Roosevelt, Letters and Speeches*, (Library of America, 2004); *Speeches of William Jennings Bryan*, vols. 1 and 2, (Nabu Press, 2012).

6.2 The Problem of Uncontrolled Growth of Private Property

Capitalism (i.e., economic freedom) has an intrinsic problem. On one hand, each competitor works as hard as possible to deliver a product at the lowest cost and with the highest quality in order to gain better economic reward, and this benefits the consumer. On the other hand, each competitor has the goal of eliminating competition, since he or she knows that less competition means more profit.

The government must work to ensure that the competitors do not use immoral means to eliminate or reduce competition, e.g. stealing, deception, or murder. The story of Russia and other eastern European countries after the collapse of communism shows how important this is—in an environment of lawlessness, crime, and fear, capitalism can not work. Simply allowing private property to exist will not make a country prosper. There must also be an environment in which contracts are honored, people tell the truth, and advantage over competitors comes through better products and not physical intimidation. The Bible clearly teaches the government’s legitimate role in preventing deception (“varying weights and measures”²³), making people honor their contracts (“pay the laborer his wages” and “keep your vows”²⁴), and preventing intimidation of the poor by the rich (“You shall not be partial to the poor or defer to the great.”²⁵)

Is this enough, however? Many in the Christian Right seem to think so. But suppose that someone works entirely through legitimate, non-criminal means until the point that his wealth is so great that he owns most of the land in the country. There is no *a priori* reason why that could not happen in a system of purely “Laissez Faire” capitalism. Now suppose that this person says that on his private land there shall be no churches, no religious speech, etc. We have already addressed this issue in Section 3.6 where we examined the issue of freedom of speech and zoning in regard to private land. If a person owns a small amount of land, it seems reasonable to allow that person to control the use of his own land. If he owns half the country, it is more threatening. This has not happened in the US, but it has happened in other countries; for example, at one time, a few “noble” families owned

²³Proverbs 20:10, 20:23; see also Section 3.9.

²⁴Numbers 30:2; Deuteronomy 23:21.

²⁵Leviticus 19:15; cf. Deuteronomy 27:19.

most of the land in England. Even in the US, more and more areas are being defined as private property not subject to the laws of freedom of speech and freedom of religion; many shopping malls, which are the main street of social interchange of many towns, tightly control religious and other speech; the Mormon church in Utah has defined a large part of Salt Lake City as its private lands on which no protest or dissent are allowed, for the express purpose of keeping Christian evangelists out.

Even more worrisome is the problem that such a person would have power that rivaled the power of the government. In Section 2.3, I stated as one of the characteristics of a legitimate government the requirement that it be the most powerful element in the society. If other elements exist which are as powerful or more powerful, whether or not they are criminal, then the government cannot enforce its judgments in all cases unless those parties voluntarily comply, in which case the judgment is no judgment at all, but merely a suggestion.

As I mentioned in that discussion, the situation in which powerful rivals to the government exist is often worse than the situation in which the powerful elements take over the government altogether. When there is a weak government, those powerful forces may feel no responsibility to help the society, leaving that to the government, while if they took over completely, they would feel more obligation. This was essentially the situation in the West with the Robber Baron capitalists of the nineteenth century. If the poor starved, many that was no concern of theirs.

How can a society solve this problem of the unlimited growth of private property? In the past centuries, there have been three main approaches adopted by Christians.

First, a society can do nothing to stop the growth of private property, allowing successful competitors to grow in power until they become the *de facto* government of the country. These people are then accepted as the legitimate authority in the society and are bound to benevolence through the principle of “noblesse oblige”—the rich have both the power and the responsibility to govern the society. This is essentially the system which reigned in Europe from the Middle Ages until the 20th century: the “aristocracy” consisted of those people who had succeeded economically and owned all the land. By my standards of legitimacy defined in Section 2.3, such a system can be legitimate, but as we have learned from history, e.g. in France before the French Revolution, if the aristocracy does not feel benevolent, there is almost nothing the poor can do to change the system other than kill off the

aristocrats.

Second, the government can own all the property, or at least, all the land, as in communism. Many Christians sympathized with communism in the first half of the twentieth century. As discussed in Section 6.1, this system puts enormous power in the hands of those who run the government, and absolute power corrupts absolutely. Even if the leaders in this system are chosen by democratic election or by merit (a “meritocracy”), there is no reason to suppose that they would be less subject to the corrupting influence of power than those who have inherited the land by birthright.

The third system, in which we in the West presently live, is to give the government power to continually reduce the size of the “big fish” in a society. This occurs in the US via three major vehicles, all originally proposed by Christians in the Progressive movement: anti-trust laws, which allow accumulation of private property only in a small sector of the economy and not in several sectors at once; inheritance laws, which prevent passing of wealth from one generation to the next; and the progressive income tax. To many Christians today, there seem to be intrinsic injustices in these laws: the anti-trust and inheritance laws (derided as the “death tax”) prevent a person from doing with his private property what he chooses, and the progressive income tax does not treat all people equally, having one law for the rich and another for the poor. This system has worked reasonably well for nearly a hundred years, however, while the other two systems have had catastrophic failures, and so we should discuss changing this system only with fear and trepidation.

If we want to think creatively and turn to the Bible as our guide, what other systems might we propose? It may surprise some people to learn that the Law of Moses deals with the problem of the growth of private property, also. The Law of Moses deals with this issue specifically in terms of the land ownership. Many people today may relate more to the concept of money than to land. We can perhaps relate better to the concern about land by remembering that the land was the primary means of production in that day (farming). Land reform is still a major issue in many countries today, e.g. in South America, where a few families own almost all of the land in some areas. And as discussed in Section 3.6 in regard to freedom of speech and freedom of association, the issue of land is not irrelevant even in a nonagrarian society. A person needs a *place* to speak freely, and a place to meet. If all of the meeting places of a country (e.g., shopping malls) become privately owned by large corporations which forbid religious speech, where can people

give speeches? What if incorporated communities decide to pass zoning laws against churches?

In the Law of Moses, all of the land belonged permanently to the various citizen families. It could be bought or sold, but every 50 years it had to be returned to the original family. (It is not clear whether this every really happened, but as discussed in Section 1.2, it still remains a paradigm given to us by God.)

This system had several advantages in solving the problem discussed above. First, it ensured that none of the citizens of the country could ever become utterly and permanently destitute, since they always had the guarantee of at least a small slice of the pie in their family land. Second, each family's wealth was still directly connected to their work, since they had to farm the land. Third, if one family had more children than another, it did not get an instant reward for that; therefore there was no incentive for overpopulation. In the classic Great Society welfare system of the US and in many Christian "commune" systems, a family is rewarded for simply having many children, getting an extra share of the common wealth for each child. (See also the discussion of the Pilgrim commune in Section 6.1.)

Could we adopt the Old Testament system of land ownership for today? The main problem one has is dealing with the question of immigration. New people coming into the country would have no land and therefore would seem to be left out of the benefits of the system. In the Old Testament system, many people (called *goyim*) lived in Israel but were not related to Israelites by blood. Did they have any inheritance to hope for? The prophetic book of Ezekiel has a very important passage in this regard. The last part of this book of Ezekiel deals with the return of the Israelites to the land of Israel after they had been exiled from the land by the Babylonians. In the midst of this Ezekiel says,

You are to distribute this land among yourselves according to the tribes of Israel. You are to allot it as an inheritance for yourselves and for the aliens who have settled among you and who have children. You are to consider them as native-born Israelites; along with you they are to be allotted an inheritance among the tribes of Israel. In whatever tribe the alien settles, there you are to give him his inheritance," declares the Sovereign Lord. (Ezekiel 47:21-23)

In the paradigm of the kingdom of God, the newcomer as well as those with

old blood are given an inheritance.

This is one of the distinctive characteristics of the United States which has appealed to so many people over the years. Most countries in the world are defined ethnically: Hungary is the land of Hungarians, Germany is the land of Germans, etc. In the New Testament, however, people belong to the “kingdom of God” on the basis of a vow and not on the basis of blood. Paul says “There is neither Jew nor Greek” in the New Covenant.²⁶ This openness also makes Christians want a society which is open to immigration, in which people who share the same values and make the same vows of citizenship are welcomed regardless of ethnic descent.

In a country with finite size, new citizens can not be given land without making the inheritance of the previous citizens smaller. One solution would be to allow new citizens their own land only when new land is added to the country, which is essentially how the USA operated for much of its history, e.g., in the Louisiana purchase and in conquests of land from wars, but it is hard to count on this continuing indefinitely into the future as a basis for a societal system.

Another approach would be to try to generalize the idea of an “inheritance” to a modern society. What might be equivalent in a modern society? One possibility is a system of loans available to all citizens, such as the student loans and small business loans available in the US today. These seem to have the spirit of the land inheritance laws of the Moses, since the person must do some work to turn these into wealth. There is a risk in this system, however, in that the government has the ability to legislate the use of these loans to the ends it desires, which adds to the power of government. This system also does not by itself prevent the unchecked growth of private property.

One particular form of such an “inheritance” which is common today is universal education. There are many positives about this kind of system, mainly in the problems inherent in *not* having universal education, with a large uneducated underclass. But as many conservatives have noted, as well as many liberals, a national education system is easily turned into a national propaganda system. The Prussians used such a system to encourage the masses to become warlike soldiers; modern education systems in the US enforce politically correct teaching about homosexuality, American history, and religion.

²⁶Galatians 3:28; Colossians 3:11.

Another idea for a national inheritance takes note of the fact that not all the Israelites had inheritance land. The Levites had no land since they were the tribe of priests. Instead, they lived only in the cities and had a right to a tithe the produce of the land of the other tribes. This tithe came to them not because of their need, but as their inheritance. Suppose we adopted a similar system. A certain fraction of the tax money given to the government could simply be divided up equally and given to all citizens each year, without regard to means. This would avoid the need for a vast bureaucracy of “social workers” testing each person’s claim for need (and also thereby having great power over the poor person’s life).

Like a system of loans, this system does not address the land issue, the problem of one person or a few persons controlling so much land that other people’s freedoms are inhibited. One solution to this problem, toward which the US seems to be evolving, is a system of “quasi-noblesse oblige.” The larger the property, the more public obligations the owner has. Shopping malls and large corporations have many more legal obligations than small landowners. There is an element of arbitrariness in this system which seems unjust—if I have worked hard and gained property legitimately, by what right do other people now tell me what I can do with my own property? Just as with the progressive income tax, there is one law for the rich and another law for the poor. This system also still does not fundamentally prevent the possibility of a few people with vast power becoming rivals to the government. Even within this system, large corporations have continued to grow, and people rightly fear the growing power of multinational corporations today because they threaten the legitimacy of the government; in fact, some multinationals are more powerful than the governments of small countries in which they operate.

One approach might be a system of “land federalism.” We discussed in Section 5.4.2 the general concept of government federalism. In land federalism, no person or corporation would be allowed to own land in more than one local region, which we can define for convenience here as a county (the unit of regional division of states in the US), although other ways of defining the limits of the local region might be proposed. Allowing an individual to own property in only one county would place an upper bound on the total land ownership possible. This would have essentially the same effect as anti-trust laws, but would be less arbitrary—in the US at present, anti-trust cases drag on for years as courts decide how much property is too much property.

Some people may object to being prevented from buying land in various

different parts of the country (no summer home?) but this system has many merits, and a little tinkering might remove most objections. For example, an exception might be made for very small purchases, such as single homes. Requiring distribution of land ownership also ensures distribution of power, just as government federalism does.

One last idea is a “land tithe.” Every 50 years, all landowners could be required to donate 10% of their land to a common pool, and then each citizen would be given an equal share of this land by lottery, without regard to need (trading and selling of lots afterwards obviously being allowed.) This maintains the spirit of the inheritance for all citizens in the Law of Moses, while allowing new citizens a right to enter in, while not unduly taxing those who have land. It does not, in principle, prevent the possibility of a few people owning 90% of the land and all the rest of the people dividing the remaining 10% every 50 years, but at least it builds in a process by which each person can obtain at least a small place which is off-limits to the large landowner.

All of these ideas have inherent problems. The Christian can not ignore the problem which they seek to address, however, which is the problem of the unchecked growth of private property, which can lead to landowners so powerful they threaten the legitimacy of the government. History has shown us the oppression which can occur in that situation. The fact that the Law of Moses included a system of landownership specifically designed to prevent this from happening should tell us that we can not ignore this issue.

Although we do not often think of land ownership as a major theme in modern society, an emphasis on land is not unwarranted. One of the most basic felt needs is the desire to have a place that I can control, a place where I can say and do what I want, invite who I want and keep out who I want. Owning land is still a fundamental desire, and landowners who control vast tracts of land can still limit the freedoms of speech and assembly on their land.

6.3 Immigration

In Section 6.2 above, I argued that a Christian nation should be open to immigration. Hospitality to the alien and stranger in our midst is commanded in

the Bible²⁷ and ethnic dividing walls are broken down in the New Covenant²⁸ In fact, the concept of an alien being welcomed into a new community lies at the heart of the Gospel itself.²⁹

Immigration has become a “hot button” issue in the US and Europe these days, however, for two reasons. First, there is the fear that so many people may immigrate that they will cut local citizens out of jobs and sink the economy. Second, many people rightly fear that uncontrolled immigration may effectively amount to a “hostile takeover,” in which large numbers of people with different morality may use their numerical power to take over the government and to change the culture.

Setting aside for the moment the question of *illegal* immigration, a Christian country has plenty of reason to allow plentiful *legal* immigration. First, the best way to help many people out of poverty or religious or political persecution is to allow them to stay in a new land in safety. The Law of Moses, for example, commands that runaway slaves are to be welcomed and not sent back to their masters,³⁰ presumably from foreign countries as well as from Israel (we will return to discuss slavery in Section 6.5). Also, a country generally benefits by having immigrants. Often, those who are willing to change countries are also those with the most energy, diligence, and intelligence.

Some Christians have argued for open borders, that is, no legal restrictions on immigration at all, by appealing to the verses in the Bible which talk on welcoming the stranger and the alien, e.g. Leviticus 19:33-34, “When a stranger sojourns with you in your land, you shall not do him wrong. You shall treat the stranger who sojourns with you as the native among you, and you shall love him as yourself, for you were strangers in the land of Egypt: I am the Lord your God.”

To understand this verse, and others like it in the Old Testament, we need to carefully understand the context of ancient culture to apply the paradigm of the law to our modern culture today. First, in those days, only cities were “safe places.” The country in between was not policed, and anyone could roam there, whether brigand, beggar, or merchant. Thus, we see several distinctions in the Law of Moses between behavior in cities and in the countryside.³¹ This had the consequence that the rural areas

²⁷E.g., Leviticus 19:33-34, Matthew 25:35.

²⁸Galatians 3:28, Colossians 3:11.

²⁹Ephesians 2:19.

³⁰Deuteronomy 23:15.

³¹E.g. Leviticus 25:29-30, Numbers 35:11-12, Deuteronomy 22:23-24.

were severely depopulated, because there was no protection from criminals. Farmers typically had a home inside or near the city walls, went out to their fields during the day, and then retreated to the city at night. This, of course, also led to very inefficient farm production, as only lands fairly near a city could be farmed effectively.

Essential to this system was a wall around the city. This wall was guarded, and the gates were guarded. People who the guards rejected entry to could have their case adjudicated immediately by the lawcourt of the elders that sat at the city gate.³² The importance of a wall to ensure that the city was a “safe place” is underscored by the entire book of Nehemiah, who mourns that the nation of Israel is not even a nation proper, if there is no wall around its capital city.³³ The lack of this wall, or border, was a cause of mourning and a shame and embarrassment. By contrast, good walls were a cause for celebration, and are a key part of the symbolic image of Jerusalem as the safe place throughout Scripture, a picture of heaven itself as the protected safe place of God.³⁴ In general, Scripture uses the metaphor of a protected inner safe place, sealing out dark forces, from beginning to end, as a picture of drawing near to God—from the safe place of the Garden of Eden in Genesis 2, to the inner sanctum of the Tabernacle, which itself was in the center of the camp of the Israelites, to the image of Jesus that outside the city there is the “weeping and gnashing of teeth.”

In this world, there were traveling itinerant day-laborers, the “ger” in Hebrew, whom we might today call “homeless people.” The word “ger” is translated “sojourner,” “stranger,” or “alien” in most English translations, but it does not mean any foreigner; it refers to a homeless poor person who works from day to day. It can also be translated into modern terms as “refugee,” because war was one reason these people became homeless and left their homelands to wander.

In the modern concept of nations, the walled city has essentially been expanded so that the entire country is a “safe place,” with a wall” with guards, and courts and judges, to secure it. This has had the dramatic effect that living in rural areas has become much more safe in most modern countries, leading to much more productive farming and use of the land because of the far greater safety. It also is the reason that modern cities

³²Deuteronomy 21:19, Joshua 20:4.

³³Nehemiah 1:3; cf. Psalm 80:12, Proverbs 25:28.

³⁴Psalm 51:18, Psalm 122:1-9, Revelation 21:17-18.

no longer have walls. We may therefore apply the ethics of city walls in the Old Testament as the best analogy to modern national borders. To argue that countries should have no borders amounts to either arguing that cities morally should not have had walls in ancient times (and to reject the inspiration of the book of Nehemiah, which teaches that walls are to be celebrated), or else arguing that in the present we should go back to a system of cities with walls, leaving all the land in between unguarded, with the consequence of reversion back to unsafe countryside.

In the biblical ethic, there is no general right to cross any city wall or border one wants; the whole point of a wall is to control the motion of people. In this context, we can now look more closely at the law of mercy to the “sojourner,” or “ger.” There are two main thrusts to the law of the Old Testament on this. The first is the command to be merciful to the poor; the second is the principle of equal treatment under the law. The command of mercy in general dictates that the truly poor, the “ger,” be allowed to enter, although the amount of concrete help they would receive would depend on the resources of the host. This principle comes under the same category as the principle of hospitality and neighborliness for owners of private homes—to the degree that resources allow, we should have open homes and help others in need.

On the other hand, there is no principle that criminals, brigands, and invaders must be allowed in. Israel went to war several times, led by judges and kings who were commended for so doing, to prevent exactly this. To allow the brigands and invaders in would not have been merciful to those who lived in the “safe place,” and a dereliction of duty by the king.

To distinguish between these two types of people (and also, a third category of merchants, who might be taxed, and a fourth category, in some cities, of people claiming refuge from those who wanted to kill them³⁵), required a court system to adjudicate each person's case. In the ancient days this court conveniently was located literally at the city gate (again, affirming the legitimacy of a wall with a gate). The equivalent in the present day would be a system of courts that judge each potential immigrant's claim for asylum out of either poverty or oppression.

Note that hospitality both for cities and private homes is determined by the host, not by the guest who forces his way in. Jesus said, “he who does not enter the sheepfold by the door but climbs in by another way, that man

³⁵Numbers 35:11-12.

is a thief and a robber,” (John 10:1). Here again, a walled safe place is in view, namely a sheep pen. In this verse, Jesus establishes that the default is to assume that anyone who does not come in by the gate, but crosses a wall secretly, is a criminal. The same is implied by the law of Moses which says that if someone enters a house by night (secretly crossing a border) they can be killed with impunity.³⁶ Thus, illegal crossing of walls negates a person’s claim on hospitality, regardless of the intent of the person, who might only want shelter for the night.

Given the right, and indeed duty, for governments to protect borders, or “city walls,” it follows that they may have penalties for illegal crossings. Under the principle of commensurate penalties, an appropriate punishment for illegal entry is deportation. In general, punishment under the Law of Moses were such that the crime never becomes worthwhile. In the case of stealing, what was stolen had to be returned, and if there was loss of time for a person to be able to work, caused by a crime, that too had to be compensated.³⁷ Thus, one could not, say steal something and use it for a while, and then give it back, making it worthwhile to steal it. Since the aim of illegal wall or border crossing is to stay in the city or nation, the penalty would have to not reward that person, to make it worth it. The penalty for climbing over a city wall in the middle of the night in ancient days would have been at a minimum to have been expelled from the city, though often greater if the court found evidence the person was intent on harming others. And again, presumably, as in the case of a person breaking into a house at night, if the guards of the wall caught a person in the act of breaking into a city at night, they might well have killed him with impunity, since the default is to assume the worst intent. In addition, those who “climb over the wall of the sheepfold” lose trust, and have less right to be considered to be hired as a shepherd in that pen at a later date.

Clearly, illegal border crossing does not merit the death penalty. In the case of a thief coming at night, self defense by death was allowed at night only, because there was not the ability to adjudicate the case, while in the day, presumably, a person could see better to judge the intent of the one breaking in. An implication of this is that illegal entrants should not, for example, be rounded up in a concentration camp and given no food or water. As discussed in Section 4.2.3, lengthy imprisonments, including time spent waiting for a

³⁶Exodus 22:2

³⁷Exodus 21:9.

hearing, are very problematic in the biblical ethic.

As mentioned above, the treatment of the sojourner was based on two principles, that of mercy to the poor and that of equal treatment under the law. The second principle, emphasized in the quote from Leviticus 19:33-34 above, says that if the courts rule that some sojourners may enter, they must not be treated as a lower class with less rights. Law of Moses required that they be treated fairly and under the same laws.

Social and economic considerations. All of the above establishes the principle that keeping territories safe using walls and border checks is not intrinsically unjust, and that there is no general right to cross any borders one wants, whether into homes, cities, or nations. This does not mean that any and all treatments of immigrants by modern countries is just. There are huge pressures associated with unchecked immigration, which can change the entire culture of a society. In response to this, some people and nations may lash out in anger toward immigrants, in violation of the principles of mercy and equal treatment under the law.

A system of generous socialism may actually exacerbate the resistance of people to immigration. In typical socialist systems, such as western Europe, there is a sense that those who get a lot of benefits from the government also pay a lot in, or have families that have paid a lot in. If many newcomers enter the country and take advantage of the social benefits, the older members of the society may feel that these newcomers are taking out much more than they have put in. By contrast, in a capitalist system with few free benefits handed out by the government, immigrants are less likely to be seen as taking without giving; they must work to make their living. If there is no work to be found, there will be little incentive to immigrate, thus creating a natural limit on the amount of immigration.

In discussing limits to immigration, we should distinguish between two types. One type is *sponsored* immigration, in which someone in the host country promises to take care of the immigrant, in most cases through a job offer. In this case there need be no upper limit; the government primarily needs to ensure that deception is not occurring, for example, that the type of work is clearly explained to the immigrant and is not effectively a type of slavery, and that the money paid is enough for the person's support. A second type of immigration can be called *asylum*, in which the immigrant seeks to escape economic or political hardship. A natural upper limit to this type of immigration is a sober assessment of how many immigrants the government can directly support through its resources, namely tax money. Since

direct generosity to the poor by the people of the host nation is voluntary, the government cannot commit the people to such generosity in advance. One could, however, have a third category of *sponsored asylum*, in which individuals commit to supporting asylum-seekers out of generosity, even without work in exchange. In general, as discussed above, supporting people who are able to work but do not work is discouraged in the Bible,³⁸ but exceptions are made for those unable to work, such as those with health problems, children, and the elderly. In general, churches with a concern for the encouraging immigration would do better to engage in this type of sponsorship than to lobby the government to throw open the doors to immigrants for other people to care for. A church which advocates inviting a million impoverished immigrants to come, but can only care for ten itself, is not compassionate, but rather, generous with other people's money.

For both of these categories, I can see no intrinsic injustice in an upper limit to the number of immigrants each year; this has been the practice of almost all modern countries since the beginning of the twentieth century. While we have a moral mandate to welcome newcomers, any nation and any community also has a right to limit the total number of people to whom that welcome is extended, just as people have a right to determine how much they will give to charity, without compulsion.

Almost everyone can see pragmatically that some upper limit must exist. For example, a country of one million people cannot effectively incorporate a billion new people in one year. If a person agrees that a million people cannot take in a billion, then the concept of an upper limit is agreed upon, and the philosophical debate is effectively over: we are just haggling over where to set the threshold. Especially for the category of asylum seekers, it is not unmerciful to limit the number according to an assessment of available resources. Just as it would be cruel to tell a huge refugee camp that you have food to feed them all, when in fact you can only feed a couple dozen, it would be even more cruel to invite impoverished people to your country with no means of helping them.

An issue that may become important in the coming years is whether states, counties, and cities have the right to restrict immigration. Even within cities, "gated communities" with literal walls are increasing. At the same time, some rural towns want to limit the number of city-dwellers moving in, to stop so-called "urban creep." In general, the same principles apply as

³⁸2 Thessalonians 3:10.

to nations. Location restrictions, as well as national ones, must be examined in regard to unjust discrimination and prejudice. We will return to these issues in Section 6.7.

National identification. A particularly sensitive issue on this topic is the question of whether government agencies or their surrogates may question people on their immigration status. In the US in recent years there has been a major influx of illegal Mexican immigrants. Because they look different from many other Americans, many Christians fear that if the government is allowed to question people about immigration status, those of Mexican appearance will be singled out, violating the spirit of equal treatment under the law for all people. On the other hand, if the government cannot question people on immigration status, then laws against illegal immigration are effectively nullified, and there is no upper limit on the number of immigrants. This, in turn, creates a two-class system, in which illegal immigrants are encouraged to come but are always in a legal gray area.

A solution to this dilemma is to have a national identification card, akin to a driver's license, which must be presented in any official dealings with the government, such as encounters with police for traffic violations or other misdemeanors, registering to vote, and other interactions with government such as registering for school or getting licenses. In this case, no judgment needs to be made on the basis of appearance; all people are equally asked for evidence of citizenship.

A longstanding element of American society reacts against the idea of a national ID card, however. Many have celebrated the idea that to move about in American society one does not need to "present papers" to officers of the law. One might call this a sense of "freedom of anonymity."

It is true that requiring a national identification card would increase the relative power of the federal government. But in a large society, accurate identification of persons is crucial. In a small community with very little movement of people, everyone can know everyone by sight. For cities of hundreds of thousands of people, however, which were very rare in ancient times³⁹ it becomes nearly impossible for the police and other agents of the government to know everyone by sight. Some Christians, indeed, seem to wish for a world full of nothing but small towns, but no coherent philosophy of government can assume such a situation. Accurate identification of

³⁹Ninevah in the book of Jonah was considered a vast city, with 120,000 people. See Jonah 3:3, 4:11.

people can be viewed as part of the role of government to prevent deception (discussed in Section 3.9).

The sense of freedom enjoyed by Americans who don't have to "present their papers" is in large part a sense of the freedom to operate in normal life without encountering the government all the time. This comes ultimately from the notion of a limited government. If the government is not running everything, one need not encounter it on a daily basis. Furthermore, checks on the government in the form of a right to privacy (Section 3.3) imply that if a person is going about normal business, the government has no right to interrupt him or her to demand papers. As discussed in Section 3.3, a search of private property by the government should require just cause, such as suspicion of criminal activity, certified by a competent authority. Demanding to see identification falls under the same category: it is a removal of privacy. Random stops of people on the street to ask for papers would violate the right of privacy. Asking a motorist who has apparently broken the law to produce identification does not.

Not having a national ID card also enters into people's sense of being able to start afresh in new places. Again, this may be a particularly American ideal, but derives at least in part from the Christian notion that our past sins can be forgotten. For many people, being able to move to a new location and starting all over represent the the greatest sense of freedom. Yet a national ID need not prevent this. It is true that a local official with access to a national database could find out about past crimes of a person. But unless the person is deemed a present threat, information about past crimes could be kept sealed from access unless the person commits a new crime.

National databases, whether medical or criminal, can of course be abused, and creating them does increase the power of the federal government, even when checks are in place to limit legal access. One obvious check is federalism, that not all records are held by one central agency. This system still could be abused by a malicious person with access to records. Ultimately, in a large society with lots of motion of people, accurate identification of people seems necessary; it may in fact aid in allowing people to move by creating trust that a person is not running from the law.

Citizenship. After immigrants arrive, they may have one of two different statuses: resident alien, and full citizen. Biblically, there are no other options, because equality under the law means no separate "classes" of citizens with greater or lesser rights.

The distinction between resident alien and citizen may itself lead to

second-class status for resident aliens. But citizenship cannot be handed out lightly. Some commitment to the laws of the land must be demonstrated.

The concept of citizenship derives much from the Christian concept of membership in a “covenant community.” Citizens declare “allegiance” to the nation; allegiance means, at its root, alliance, that is, committed union with others, or loyalty. In the Bible, the nation of Israel in the Old Testament and the church in the New Testament are covenant communities. In each, membership is obtained either by birth to another member or by explicit declaration of allegiance to its core principles. A person disavowing those principles, either by word or deed, removes himself or herself from the community.

The beauty of the biblical concept of the church is that it can simultaneously be outward-looking and yet have a sense of inside. All types of people are welcome to join, but those who join are committed and loyal; they are part of community with a sense of identity that distinguishes between those inside and those outside. In the same way, a nation can allow new citizens to join on a regular basis but still ask those citizens to commit to the well-being of the nation, with declarations of allegiance to the nation and tests of knowledge of its systems. As with voting tests (Section 5.2), these tests, if they are to be fair, must not be written to discriminate against one group in particular.

An explicitly Christian nation need not require all citizens to be Christians; in fact, almost all Christians today would react against such an idea. In the New Covenant, a nation is not a church; although this distinction between Church and State was often lost in Europe over the centuries, it is thoroughly biblical (see the discussion in Section 3.1). Jesus explicitly rejected earthly kingship and stated “my kingdom is not of this world;”⁴⁰ Paul said, “For the weapons of our warfare are not of the flesh.”⁴¹ As discussed in Section 3.1, even while Christians are encouraged to value government, they cannot see the nation as equal to the church.

Nevertheless, a nation is also a community with commitments and membership like a church. Membership in more than one community is possible; many people are members of several, such as their family, a church, a school, and a nation; each with different standards for membership. There is therefore no moral problem for Christians to be citizens of a nation as well as

⁴⁰John 18:36.

⁴¹2 Corinthians 10:4.

members of a church, as long as that nation's government is legitimate, and there is no problem in applying covenantal language to national citizenship.

One obvious reason to hold off on making all new residents citizens right away is to make sure that they understand the new system. Keeping them from citizenship does not violate the principle of equal treatment under the law. As non-citizens, they are still *subject to* the same laws, but they have not yet demonstrated *commitment to* that system of laws. As such, they can reasonably be limited from voting or holding public office, but still have all other rights.

As discussed in Section 6.2, even today, in a nonagrarian economy, land is a special case. If non-citizens buy most of the land and then declare that certain speech or religion is not allowed on their private land, the state has given up much of its legitimacy. In the light of the inheritance theme discussed in that section, preventing those of foreign citizenship could be justified as protecting the inheritance of the people.

6.4 Corporations and Capital

Besides the elements of capitalism listed above, namely the freedom to own private property, the freedom to buy and sell at the price one chooses, and limited government control of the economy, there are several other essential elements of the capitalist system that have been built up in the modern world over the years that are less obvious to those not schooled in economics. These are the right to make corporations and the right to declare bankruptcy. Both of these make it much more likely for people to take economic risks which create jobs.

The right to declare bankruptcy is rooted in the biblical pattern of releasing people from debts after seven years.⁴² In the system of Moses, all people were released from debt in the same year, the national Sabbath year. The European system generalized this to allow a person who could not pay off debts to be released from all debt once every seven years. Declaring bankruptcy in this way certainly would affect the likelihood of other people loaning money to a person in the future, but it prevents a person from essentially being a slave forever to the one to whom debt is owed.

The main concept of a corporation is seen in the full legal name: a “corporation of limited legal liability” (sometimes abbreviated “Limited” in the

⁴²Deuteronomy 15:1-2.

British Commonwealth.) The basic concept is that a group of people may create an entity, called the corporation, which is a legal entity of its own, separate from any of the individuals who are part of it. This corporation may then hold debts which are not the personal debts of any of the individuals. Crucially, if the corporation goes bankrupt, all of its assets can be taken to pay off debts, but none of the assets of the individual employees or trustees of the corporation. In other words, the liability of the group of people (corporation) is *limited* to only the assets and debts of the whole group.⁴³

Both of these legal structures, bankruptcy and corporations, reduce the amount of risk taken by a person who invests in a business activity. If the venture fails, a person working for a corporation will not lose his house and home. This, again, has roots in biblical economics: “No one shall take a mill or an upper millstone in pledge, for that would be taking a life in pledge;”⁴⁴ in those days, a person’s milling equipment corresponded to his personal means of staying alive by making bread.⁴⁵ In the same way, if a person’s finances fail, his debt is limited to seven years, not slavery for him and his children for the rest of his life.

Corporations have a bad name in our day; part of this comes from the perception of their power as so great that it rivals the government, which as discussed in Section 2.3, is a threat to the security of any society. But the basic concept of limiting personal risk, by not taking personal assets to pay off business debts and by limiting the time to pay off personal debt, is soundly biblical. And risk-taking is essential to the whole concept of capitalism. One only needs to think about this at the personal level to see why. Suppose that you are a poor man who has struggled by work day and night to acquire \$50,000 of savings. What would persuade him to put those hard-earned savings at risk in a new business, such as opening a restaurant, using these savings as a down payment to take out a loan of another \$200,000? Three

⁴³Since a corporation is a legal entity independent of any one person, and thus in many ways equivalent to a person, it makes sense that a corporation can also be *taxed* independent of any one person. Some conservatives argue that a corporate tax is a double tax, since individuals also pay tax, but they forget that corporations also save a person from debt.

⁴⁴Deuteronomy 24:6.

⁴⁵Also, Ex. 22:26-27: “If ever you take your neighbors cloak in pledge, you shall return it to him before the sun goes down, for that is his only covering, and it is his cloak for his body; in what else shall he sleep?”

things: 1) a sense of assurance that if the business fails, only the \$50,000 will be lost, and not house and home; 2) a sense of assurance that if the business fails, he will not saddle his family with a lifelong debt to to pay off the whole \$200,000; and 3) an expectation that far more than \$50,000 could be earned if the business succeeds, possibly tenfold or a hundredfold. Otherwise, it would be far wiser to keep the \$50,000 safe, getting just minimal interest from a bank. And even so, how would the bank generate that interest payment? Banks generate income by loaning out the money deposited with them at interest rates higher than what they pay to savings accounts. If no one is willing to take the risk to borrow money, banks cannot pay interest.

Assurances (1) and (2) are covered by bankruptcy and corporation laws. Assurance (3) is allowed by the right to private property, specifically the right to inequity in property, and the notion of limited government, which will not take most of the money in taxes. Many evangelicals as well as others rail against the fantastic profits made by some business people in the corporate world, and talk of “just” levels of profit of only a few percent. But who would put their family’s life savings at risk possibly of complete loss, for the sake of just a few percent more? It would be foolhardy risk, not a Christian ideal. Even large corporations with billions of dollars would be unlikely to risk substantial fractions of their holdings in new enterprises if there were only the promise of a small gain.

This gets to the root of the world “capitalism,” namely, capital. Many great works require large amounts of capital up front before any money is made. For example, think of a train system. Before any tickets can be sold, millions to billions must be spent in laying rail, building trains, train stations, advertising time tables, and hiring conductors, engineers and repairmen. Similarly, miracle drugs come from years of funding thousands of scientists to do research. Where can such a large amount of money come from? In the modern world, only two places: governments, and large corporations. Both have done successful large works in the past centuries, from bridges and railways to space travel and cures for diseases. But if government alone has the power to do such things, the argument can be made that it is more likely to be a failure or to be inefficient. Private corporations or individuals putting their own money at risk have an inherently greater reason to carefully examine all aspects of the venture in advance to make sure the project is sound; government bureaucrats risk nothing personal except their reputation. Intrinsic to this argument is that the corporations be allowed to actually fail and lose their money; if the government consistently bails out

large corporations, perhaps from good intentions to save jobs, the corporations have become arms of the government with no greater incentive to avoid foolish investment than government bureaucrats.

Max Weber, in his famous analysis of why Calvinist northern European countries succeeded so well economically,⁴⁶ traced much of the reason to the Christian concept of *investment*. Starting with the biblical injunction not to store up wealth,⁴⁷ Protestants reasoned that the best thing to do with wealth was to put it to work, doing great works and creating jobs. The profit from this work could then be put to use in further investment. Without this concept, rich people of former days would most likely have simply stored up wealth in collecting gold and silver and furs and castles for personal use.

It is worthwhile to look at one of the parables of Jesus closely in this context. This is the parable of the talents:

“For it will be like a man going on a journey, who called his servants and entrusted to them his property. To one he gave five talents, to another two, to another one, to each according to his ability. Then he went away. He who had received the five talents went at once and traded with them, and he made five talents more. So also he who had the two talents made two talents more. But he who had received the one talent went and dug in the ground and hid his master’s money. Now after a long time the master of those servants came and settled accounts with them. And he who had received the five talents came forward, bringing five talents more, saying, ‘Master, you delivered to me five talents; here I have made five talents more.’ His master said to him, ‘Well done, good and faithful servant. You have been faithful over a little; I will set you over much. Enter into the joy of your master.’ And he also who had the two talents came forward, saying, ‘Master, you delivered to me two talents; here I have made two talents more.’ His master said to him, ‘Well done, good and faithful servant. You have been faithful over a little; I will set you over much. Enter into the joy of your master.’ He also who had received the one talent came forward, saying, ‘Master, I knew you to be a hard man, reaping where you did not sow, and

⁴⁶M. Weber, *The Protestant Ethic and the Spirit of Capitalism*, T. Parsons, trans. (Scribner, 1930).

⁴⁷Matthew 6:19-20, Luke 12:18-21; James 5:2-3.

gathering where you scattered no seed, so I was afraid, and I went and hid your talent in the ground. Here you have what is yours.’ But his master answered him, ‘You wicked and slothful servant! You knew that I reap where I have not sowed and gather where I scattered no seed? Then you ought to have invested my money with the bankers, and at my coming I should have received what was my own with interest. So take the talent from him and give it to him who has the ten talents. For to everyone who has will more be given, and he will have an abundance. But from the one who has not, even what he has will be taken away. And cast the worthless servant into the outer darkness. In that place there will be weeping and gnashing of teeth.’ (Matthew 25:14-30)

At one level, this is not a story about economics at all. Jesus is telling a parable (that is, making an analogy) about using whatever gifts God has given us⁴⁸ as best we can, taking risks for the sake of God’s glory. Yet at another level, it does relate to economics and money. The “talent” or “gift” of many people is actually the ability to invest and to use money. For such people, the same general principle is expressed here which we discussed in Section 6.1: the concept of *abundant productivity*, which flows throughout the Bible. We are to work well at whatever we do,⁴⁹ but not for the sake of sterile storing up of wealth or empty words of human adulation; instead we work to have abundant blessing which pours over onto others. For some people, that talent they find to do may be preaching, art, or other activities which do not generate a lot of money, but still generate abundant blessings for others; these blessings will be accounted as profit by God, who is symbolized by the master who gave the talents in this parable. But other people can be a tangible blessing to others by doing exactly what the parable says: investing money at risk with the aim of great profit, which can then be returned to the master (God) by being used for good, such as helping the poor or doing other great works. While the parable is not only about economic investment, it stretches the imagination to read it as a *condemnation* of economic investment!

Notice that the acceptance of inequality is assumed here. One servant is given five talents, one is given two, and one given only one. Again, while at one level this refers to the inequity of innate abilities among people, it also

⁴⁸The English word “talents” to refer to abilities given by God originally comes from this parable in the English Bible.

⁴⁹Colossians 3:23.

includes other inequities among people such as money, upbringing, education, etc. The lesson is that whatever you have, you should use it recklessly for the glory of God, and not cling to anything in this world too tightly. We should covet neither the money nor the looks nor family nor the intelligence of others. Lack of good things in our lives in no way excuses us from working to glorify God, and that includes the lack of money.

Although there may be different legal systems which accomplish these aims, we can fairly summarize the above biblical principles of investment and economics as follows:

Inequities of money and private property are allowed. To those whom much is given, much is required, morally in the Christian ethic, but people are free to decide how to live out this ethic.

(6.1)

Risk taking in the form of great ventures by private individuals and groups for the sake of abundant reward is encouraged. Risk taking is not only morally encouraged, but systematically encouraged in the law of Moses by limiting the total debt a person may incur to not include a family's personal means and to limit the time that the debt may held against him or her.

(6.2)

6.5 Labor and Slavery

Capitalism cannot be discussed without reference to labor. The Marxist analysis of history makes a sharp division between the capitalist class and the labor class. Marxist intellectuals identify themselves with the labor class, and believe that justice will occur when the labor class throws off the power of the capitalists and gains control of the government. The Bible has some commonality with this; it does not allow differences under the law for rich and poor (see Section 6.1 above), but it recognizes the fact that there are, in truth, “rich” and “poor” in the world with very different states of life.

From an abstract perspective, one may ask whether a labor union is fundamentally any different in nature from a corporation. A labor union sells, or rents, a commodity, namely labor, at the best price possible. Individual

workers are free to join labor unions which market their labor, with a fee in exchange for various benefits such as representation, training, insurance, and pension. Unions are free to withhold their product if they do not receive the price they desire. As such, membership in unions is as fundamental a right as membership in corporations.

The problem arises in the *de facto* acceptance of special rules for labor unions. For example, in the US and some other countries, violence done by labor unions in strikes is tolerated as normal. This gives some people the right to threaten other people with what is effectively vigilante justice, a notion that the Bible firmly rejects (see Section 3.7). Another rule often in place is the exclusive right of labor unions to sell their commodity in certain places, giving one corporation legal favoritism over others, another premise rejected by the Bible (see Section 6.1). Without these special rights, labor unions would essentially be no different from subcontractors.

Christians have tended to argue in extremes in regard to labor. At one end, leftist Christians have argued that Christians should always side with labor against corporations, in violation of the biblical principle that we should favor neither the rich nor the poor. On the other side, libertarian Christians have argued that any contract agreed between two parties is legitimate, and government has no right to step in to make laws regulating labor. This latter position is not supported by the Bible.

First, in regard to safety, the Bible does not give a general right to self-destruction, as we will discuss in Section 7.1. If conditions are known to be unsafe, a person does not have an uninhibited right to sign up for such work; the society has a responsibility to step in to prevent self-destruction.

Second, the Bible does not give people an uninhibited right to sign up for as many hours of work as they like. The Sabbath law of Moses prohibits employers from having anyone work a seven-day work week. While some Christians debate whether this law applies today, it shows that the concept of a law regulating the number of hours of work cannot be *intrinsically* unjust, since God put in place just such a law. Some have argued that the Sabbath law is a religious law, and as such cannot be mapped over to a society with people of different religions. But the motivation for the Sabbath law is not rooted only in religious observance. Deuteronomy 5:14-15 roots the Sabbath law in the need to treat laborers fairly: “that your male servant and your female servant may rest as well as you. You shall remember that you were a slave in the land of Egypt.” The argumentation here is that rest for at least one day in seven is a right of all people, and working seven days a week is

oppression.

The general Sabbath law of the Old Testament not only gave rest to laborers one day in seven, but also released people from debts every seven years (see Section 6.4), gave the land a rest from farming every seven years, and returned land to its original family owners every 50 years (see Section 6.2). In that society, these things were all coordinated to happen on the same day and the same year for everyone, but in Western culture several of these concepts were generalized to allow regular rest not at the same time: crop rotation of plants is practiced, but not by all farmers with the same plants in the same year; canceling of debts is allowed, but not for all people at the same time. In the same way, the moral principle of one day of rest in every seven can be generalized to allow that day of rest not necessarily be the same day for all people—the setting of a particular day for religious worship, i.e. Friday for Muslims, Saturday for Jews, and Sunday for Christians, is directly associated with a religious belief, while the concept of one day of rest in seven is connected to the basic human need for rest.

Slavery in the Bible

The Sabbath law also prescribed freeing of slaves every seventh year.⁵⁰ This brings up the whole issue of slavery in the Bible. Because there is so much confusion, we will take a detour here to discuss slavery in the Bible in detail, although it is not a pressing issue in modern society.

Our experience makes it difficult to discuss this issue rationally, because the abominations of slavery in the 1800's, documented, for example, in *Uncle Tom's Cabin* (an excellent Christian book which unfortunately has been less well read than it deserves in this century)⁵¹ have made the idea of slavery utterly abhorrent to our society. Slavery is not strictly forbidden in the Old Testament, however. For this reason, many Christians fighting against slavery in the 1800's adopted a "New Testament only" ethic, similar to the pacifist ethic discussed in Section 2.1. But this New Testament-only ethic doesn't help much, because the New Testament also tolerates slavery. Paul encouraged slaves to remain faithful to their masters,⁵² did not require mas-

⁵⁰Deuteronomy 15:12.

⁵¹H.B. Stowe, *Uncle Tom's Cabin*, (National Era, 1852; reprinted by Simon & Brown, 2012).

⁵²Ephesians 6:5, Colossians 3:22,1 Timothy 6:1, Titus 2:9.

ters to free their slaves⁵³ and in one case encouraged a runaway slave to return to his master, although Paul also encouraged the master to free this slave and promised to pay any debts for the slave.⁵⁴

Does this mean the Bible is merely a tool of oppressors? Our view is colored by our image of slavery in the US in the 1800's. Central to this system was the idea that slaves were not fully people, that they were objects to be used and disposed of at will, a system known as "chattel" slavery. The slavery treated in the Bible was a very different thing.

First, it was not restricted to people of one physical attribute or one ethnic group; anyone could become a slave, and all slaves were clearly viewed as fully human. This is seen, for example, in the constant reminder to the Israelites they they too had been slaves.⁵⁵ Southern slavery, by contrast, codified the view that blacks were intrinsically slave-material because they were less than fully human.⁵⁶

Second, slaves under the law of Moses had legal rights. Masters had the right to physically punish them, but not to kill or maim them; if they did, the master could be taken to trial, and if found guilty of maiming, had to free the slave, and if guilty of death, was liable to the death penalty for the slave's death.⁵⁷

Third, slaves under the law of Moses could run away from their masters

⁵³Colossians 4:1.

⁵⁴Philemon 12-18.

⁵⁵E.g., Deuteronomy 5:15, 6:21, 15:15, 16:12.

⁵⁶E.g., the letter of the Southern Presbyterian Church to all the churches in the world, reprinted in J.E. Edwards, *The Historical Birth of the Presbyterian Church in America*, (Liberty Press, Liberty Hill, South Carolina, 1987), states, "Human rights are not a fixed, but a fluctuating quantity... As you go up, the number of rights increases, but the number who possess them diminishes. As you go down the line, the rights are diminished, but the individuals are multiplied....Before slavery can be charged with doing him injustice, it must be shown that the minimum which falls to his lot at the bottom of the line is out of proportion to his capacity and culture."

⁵⁷Some have argued that Exodus 21:21 says that a master may kill his slave if the slave does not die right away, but instead dies a few days later. This clearly violates the spirit of the law in Exodus 21:12 that anyone who strikes a man shall be put to death. In the context, the qualification of Exodus 21:21 can be understood as an ancient test of cause and effect—it must be proved that the slave died as the direct result of the master's punishment. If the only effect of the punishment was loss of work time, this was the master's loss of the slave's work, since the slave's work belonged to him, and therefore the loss of time was not punishable for a slave as it was for a free man.

and were not to be forcibly returned.⁵⁸ This law has major implications for understanding the whole paradigm of slavery under Moses. If a slave could walk away at any time and not be returned, how could it be called slavery in any sense in our modern understanding of slavery? Some have argued that this law only applied to slaves from other countries, but no such qualification is added in the law of Moses. In fact, the only qualification given is the right of slaves to *not* leave their masters⁵⁹—the slave has the right to stay, but the master has no right to keep him against his will. This is so different from Southern US chattel slavery as it was practiced that the latter could hardly be justified by any reference to the Bible.

Under such a system, why would anyone remain a slave and not walk away? To understand this, we need to understand the larger system of the law of Moses. As discussed in Section 1.2, the law of Moses presents us with a “paradigm” of how things could have worked justly; whether or not Israel ever practiced these laws fully is debatable, but we can still ask how the system would have worked, as a way of seeing the full fabric of God’s concern for society.

The primary way in which a person could become a slave under the law of Moses was if a person sold himself or his family into slavery due to poverty and debt.⁶⁰ Slavecatching was forbidden.⁶¹ Under the agreement of slavery, the master had the right to demand labor from the slave at any time except the Sabbath, and the right to physically punish with slave as long as he did no permanent harm (as discussed above). In return, the master housed and fed the slave and his family, and when the time came for the slave to be freed in the seventh year, the master paid him amply.⁶² If the slave left early, he forsook these benefits of free room and board and the final payoff. He also lost his good name, as a vow breaker, and therefore would have a hard time getting credit for loans in the future. But if the demands of the master were oppressive, walking away remained an option. As mentioned above, the opposite seems to have been envisioned to happen more often—the free room and board could be incentive enough for a slave to legally forsake his right of freedom. Even in our day, it is well known that many prisoners prefer to remain in the effective slavery of prison, where they will get room and board

⁵⁸Deuteronomy 23:15.

⁵⁹Exodus 21:5-6; Deuteronomy 15:16-17.

⁶⁰Leviticus 25:39, 47.

⁶¹Deuteronomy 24:7.

⁶²Deuteronomy 15:13-14.

in exchange for their freedom.

As such, slavery among Hebrews resembled what would have been called indentured servitude in the English and early US systems. It was often a practical way out of poverty. Although slavery is never treated as a good state in the Bible, it was a way to help the poor with the dignity of work instead of begging for handouts. The status of a beggar was considered worse than that of a slave.

The situation was somewhat different for slaves of foreign descent under the law of Moses. Slaves bought from foreign countries or captured in war had the same legal rights to not be maimed or killed, and could also walk away without being forcibly returned, but they were not automatically set free with a large payment in the seventh year. One reason for the difference is that foreigners had no land inheritance to return to, while Israelites had an expectation of family and land (see the discussion of the land inheritance system in Sections 6.2 and 6.3 above). Also, the covenant of Moses allowed that interest could be charged on loans to foreigners but not to fellow Hebrews.⁶³ But as discussed in Section 6.3, foreigners did not have to stay foreigners forever. The Bible celebrates the stories of Rahab and Ruth as foreigners who joined the community and obtained full rights, eventually even becoming ancestors of King David and Jesus.⁶⁴ Even more significant is the case of the Gibeonites. This nation made peace with the Israelites in the days of Joshua, under the condition of servitude. Yet a few hundred years later, the actions of King Saul to oppress the Gibeonites are penalized to the point of deaths in his royal family,⁶⁵ and a Gibeonite is listed as an honored “mighty man” in King David’s army.⁶⁶ Foreign-born slaves could buy their freedom and be treated as fellow citizens in Israel under the law of Moses.

With the Sabbath system of canceling debts every seventh year, it stands to reason that loans would normally only be made until the next Sabbath year.⁶⁷ If a person defaulted on repayment before the seventh year, there

⁶³Exodus 22:25, Leviticus 25:36-37, Deuteronomy 23:19-20.

⁶⁴Matthew 1:5.

⁶⁵2 Samuel 2:1-9.

⁶⁶1 Chronicles 2:4.

⁶⁷Note that this practice of canceling loans in the seventh year would by itself prevent the form of *de facto* slavery practiced in the US in the 1800s, known as the “company store” system. People often bought food on credit at the store owned by the company they worked for, and could not quit their jobs until they had paid off that debt. This led to essentially lifelong obligation in many cases, while in the biblical system the maximum term would be seven years.

was no debtor's prison. Instead, it seems that the only penalty was being known as a vowbreaker, and therefore having a hard time getting credit in the future. This is not too different from the modern practice of bankruptcy. To modern ears, this seems perhaps not too much of a penalty, but in biblical culture, and even in the US not too long ago, being a vowbreaker would have been to many people a fate worse than death. A broken vow invites the curse of God,⁶⁸ a serious matter for those who really believe in God.

Debt could also be obtained not by contract but by crime. If a person stole a vast amount of money and spent it immediately, the debt could easily be more than could be paid back in seven years of labor or less. Could that person be required to remain a slave longer? The law of Moses does not specify that debts accrued by crime should be canceled; instead it uses the formula "he shall pay" which conveys a definite obligation.⁶⁹ By contrast, the only verse which says that debts should be canceled in the seventh year, Deuteronomy 15:1-2, specifically says "every creditor shall release what he has lent to his neighbor." This narrows the release of debts specifically to contracted loans, not debt to due crime. Justice would demand that a person whose money or goods were taken by crime be under no obligation to release the debt. Therefore, we can assume that criminals would be required to pay their debts in full regardless of the Sabbath year. They would, presumably, still be able to walk away from a slave/indentured position in the seventh year and seek a new employer, if they still had debt.

One last aspect of slavery law in the Old Testament ensured another right for slaves. This was the right of redemption. In short, a slave could buy his freedom by paying off his obligation at any time.⁷⁰ The buyout cost was equal to the fair market value of his labor for the remaining years of his original contract. Thus, the slave had the right to buy out his contract at any time without the onus of vowbreaking, while the master had no such right to terminate the agreement early. Foreign slaves also had the right to buy their freedom, but at a higher cost to be negotiated with the master, presumably based on the expected value of their work over their life.

To summarize, the system of slavery, while tainted in our minds by the dehumanizing form practiced by European and Muslim powers over past

⁶⁸Deuteronomy 23:21: "If you make a vow to the LORD your God, you shall not delay fulfilling it, for the Lord your God will surely require it of you, and you will be guilty of sin." See also Ecclesiastes 5:4-6.

⁶⁹E.g., Exodus 21:19; 21:22, 22:4, 22:9.

⁷⁰Leviticus 25:48-51.

centuries, was in the Bible a way of escaping debt and poverty. Slaves were treated as fully human, and the Bible goes out its way to say that they are equal with their masters in the eyes of God.⁷¹ Slaves could walk away—no physical force or chains were to be used—at the cost of losing the pay they would expect to receive if they finished their term. Foreign slaves could also walk away, but of course if they did, would have no reason to expect to be trusted in the future, and no land to live on elsewhere in the nation of Israel. Overall, the state of being a slave is one viewed negatively in the Bible, but not as negatively as begging, because a slave still has the dignity of work. Biblically, the status of a beggar is lower than that of a slave.⁷²

In modern terms, the term “slave” has so many negative connotations that it is not useful. But a system in which a person receives free room and board in exchange for being expected to obey commands at any time of day or night is certainly not intrinsically immoral or unjust, as long as the person has the right to leave. Long-term commitments with an end payoff are also not unjust, but the biblical precedent would indicate that such commitments should not be made for longer than seven years, lest they become effective bondage.

Principles of Payment for Labor

In Section 6.4, we discussed various principles in the Bible which favor the system of capitalism, in particular the right to unequal property and the freedom to set prices for sales. On the other hand, the Bible also places obligations on those who are wealthy enough to have laborers working for them. These obligations are presented as matters of justice, and therefore also matters for law.

We have already mentioned the right to a Sabbath rest of one of these. Another is the oft-repeated principle that the laborer deserves his wages.⁷³ This theme comes up in the context of paying pastors a fair wage, but the argument is a general one: a person should not be paid less than fair market wage, even if he or she would agree to less.

Thus, while the Bible does not talk of a minimum wage, it does clearly convey that it is possible to know that a person has been paid less than what he or she deserves, and if this occurs, it is a public injustice. What is a fair

⁷¹Ephesians 6:9.

⁷²Psalms 37:25, Luke 16:3.

⁷³Malachi 3:5, Matthew 10:10, Romans 4:4, 1 Corinthians 9:3-9, 1 Timothy 5:18.

wage is a judgment call, like many of the matters which call for judges in the Bible.

In deciding what is a fair wage, one consideration is what the “market” pays, that is, the average pay for that type of work. But for Christians, the “market” is not the only and absolute standard of fairness. While some form of capitalism, or economic freedom, is biblical, we cannot go overboard to proclaim mysterious powers of knowledge and wisdom to the “market.” One reason why the market principle can break down is that the notion of market value assumes large numbers—the law of averages. But some markets are too small and isolated to ensure valid statistics. This was persuasively and powerfully dramatized by John Steinbeck in his fictional book, *The Grapes of Wrath*.⁷⁴ In a large marketplace with full freedom of employees to change jobs, the farm laborers in the story being offered ridiculously low wages in California could have left to take better-paying jobs elsewhere. In general, in a well-connected economy, all types of work would be available to all people; if the pay for all jobs was low, the cost of living would also drop. But in the scenario of the story, the cost to the people for products needed for life was high because wages were high elsewhere for people making those things, but the farmers did not have the means to move cross country to take those jobs.⁷⁵

Because of the limitations of the marketplace in setting wages, a Christian ethic requires that additional principles come in. One such principle is that a fair wage is one which a person can live on. This supports the notion of a “living wage” promoted by many leftists, but leftists have often been simplistic in their notions of what counts as a living wage. What is a living wage for a single mother of three in her thirties may be quite different from a living wage for a college student living at home with his parents, or a retired person with a pension who wants to supplement his income. To insist that all people need to earn a living wage for a family with children is itself a distortion of the truth.

The notion of different minimum wages for different stages of life is sup-

⁷⁴J. Steinbeck, *The Grapes of Wrath*, (Viking Press, 1939).

⁷⁵Economists, in general, commonly use time-dependent differential equations to model economic variables, but do not often use time- and space-dependent differential equations, which in physics would be known as equations with spatial gradients, i.e., drift and diffusion terms. Not including spatial gradients amounts to assuming a perfectly homogeneous system, which is rarely the case in the real world—all people experience some degree of cost of motion which limits their economic choices.

ported by the following text in the law of Moses:

“Speak to the people of Israel and say to them, If anyone makes a special vow to the Lord involving the valuation of persons, then the valuation of a male from twenty years old up to sixty years old shall be fifty shekels of silver, according to the shekel of the sanctuary. If the person is a female, the valuation shall be thirty shekels. If the person is from five years old up to twenty years old, the valuation shall be for a male twenty shekels, and for a female ten shekels. If the person is from a month old up to five years old, the valuation shall be for a male five shekels of silver, and for a female the valuation shall be three shekels of silver. And if the person is sixty years old or over, then the valuation for a male shall be fifteen shekels, and for a female ten shekels. And if someone is too poor to pay the valuation, then he shall be made to stand before the priest, and the priest shall value him; the priest shall value him according to what the vower can afford.”
(Leviticus 27:2-8)

Some might react that this passages gives different types of people different value in the eyes of God, but this would contradict the theme through both Old and New Testaments that God looks on all people without partiality.⁷⁶ What seems to be in view here is rather a pragmatic evaluation of the value of labor of different categories of people in a society defined by physical labor. The scenario under consideration is most likely a case of someone who has vowed to give labor of his own or members of his household to the work of the Temple, who then wants to buy out that promise with cash instead. Later in the same chapter we read that 50 shekels is the value of six homers, that is 220 liters, of barley seed. Since plantable seed is of the highest value for grain, we can guess that 50 shekels was roughly equal to the expected annual product of work of one adult laboring man in his prime, and the “valuations” in the the passage quoted above correspond to the expected annual productivity of the different types of people in physical farm labor.

What this passage tells us is that it is not unjust to distinguish in the law between different stages of life in judging fair wages. This set of “valuations” also implies another principle of just wages, which is that those whose work is more productive or of greater responsibility deserve greater pay, regardless

⁷⁶E.g., Genesis 1:27, Job 34:19, Romans 2:11, Ephesians 6:9, Galatians 3:28.

of why they have that ability. This passage in Leviticus 27 is honest about the real farming labor ability of different people. We might not like to admit it, but adult men in their prime generally do hard physical labor on a farm better than adult women, teen boys and old men, and therefore produce the equivalent of more seed corn. If one Israelite man had vowed the work of three of his family members on the Levitical farms, two of whom were women and one of whom was a child, and another Israelite had vowed the work of three adult men in their prime, the one who vowed the work of the three men would probably feel it was unjust if his buyout cost was the same as the one who vowed weaker family members. The cost to him of paying his vow in labor was higher in real terms. In the same way, a person who knows he or she produces twice as much as another coworker will feel an injustice if his or her wage is the same.⁷⁷

On the other hand, the Bible allows inequity of wages even for the same work as long as no one is underpaid. In the parable of the laborers in the field in Matthew 20:1-16, Jesus tells the story of a farmer who contracted with several men to work for a day. All of the men were paid the same, even though some of the men worked only half a day or even only an hour. In other words, the hourly wage was quite unequal. The point of this story is not a communist principle, that all workers should be paid the same no matter what their work; rather, Jesus is pointing to the grace given to those who worked much less than a full day and still got a day's pay. In other words, those who agreed to work at the beginning of the day agreed to a fair wage for a day's labor, and got what they were promised. Those coming later received the unwarranted grace of a higher than fair wage. As in many of his parables, Jesus was here specifically referring to the inclusion of the Gentiles in the blessings of the kingdom of God, even though they were latecomers, who had not labored with God for centuries like the Jews.⁷⁸ The principle he founds this message on, once again, is the intrinsic justice of allowing a person to give according to his own generosity, without obligation: the farmer in the parable gave each laborer a fair wage, and also gave to some laborers additional wages out of generosity, and was under no obligation to give that gift to all: "Am I not allowed to do what I choose with what belongs to

⁷⁷None of this should be taken to argue for men to have greater pay than women in general. In a non-agrarian economy, it is quite possible that women would be valued on average higher than men in some types of work.

⁷⁸See also Matthew 21:28-43, Luke 15:11-32.

me?”⁷⁹ In the parable, the farmer represents God, and the message is clear: God is free to give grace unequally. Grace, by definition, cannot be viewed as an obligation of law, for if there is a legal obligation, it is not grace. By extension, it cannot be evil to give to others unequally as we choose, as long as we do not give less than what is just.

Statistically, it is incontrovertible that an absolute minimum wage correlates directly with unemployment for young adults and other unskilled workers in the modern economy—setting the minimum wage for young and unskilled workers the same as for adults with a long history of responsible labor essentially forces young workers to be overpaid, and makes most employers choose not to hire them. A more just system would allow for training wages or some other way to encourage entry-level job offers.

Another theme is the right of the laborer to be paid promptly.⁸⁰ This principle is specifically stated in regard to the poor, who do not have money saved up for their daily expenses. The Bible says it is unjust to hold back the pay of the poor for long periods of time, regardless of whether they agree to it.

We thus have two general principles of just wages that will make some libertarians as well as some leftists unhappy. The first principle is that a contractual agreement can be unjust even if both parties agree to it. As we will discuss in Chapter 7, there is no general right to self destruction. A contract to work seven days a week, for less than one needs to live, while running up debt waiting for one’s pay, is unjust even if the worker agrees—a poor person’s need makes him or her vulnerable to agree to almost anything to get paid, and a person who takes advantage of this is an oppressor.

The second principle, which may bother some on the left, is that unequal pay is not intrinsically unjust, and those who hire have the right to pay more to some than others; not only that, in some cases justice demands that the work of some be valued more than that of others, lest we appear to deny reality.

A third principle, implied by the laws on slavery, is the right of a worker to walk away from a job, forsaking his pay. Even slaves had this right, in the law of Moses. Large groups of workers who do this, in a “strike,” are within their rights, as long as they do not use violence to prevent others from working or obtain favoritism in the law over other groups.

⁷⁹Matthew 20:15.

⁸⁰E.g., Deuteronomy 24:15, James 5:4.

Price controls. Related to the issue of wages is the question of price controls by the government, i.e., having laws that forbid certain things from being sold at either too high a price or too low a price. In the former case, price controls are meant to aid the buyer, e.g., to prevent “price gouging” in emergencies, and in the latter case, to aid the seller, e.g., to prevent small farmers or small businesses from being undercut. For people who make their living by selling things rather than by performing services, this is essentially another form of dictating wages.

Price controls are a denial of reality similar to the denial of reality which is involved in preventing wages from being too different between different people, discussed above and in Section 6.1. If people on average are willing to pay a certain price for some goods or services, then that is the fair market price by definition. It may seem unfair to us that baseball stars or corporate executives earn 100 times the average pay of other people, and it may seem unfair that people are willing to pay much more for whisky than for milk, but given a society in which they do, it is a denial of reality for the government to state by fiat that certain services or products must be sold at another price.

In one sense, price controls are not too different from simply giving cash to the favored party, either as direct grants or as tax breaks. A particular activity desired by the government is underwritten at the expense of everyone else. In other words, if the market price for a product is \$100, and the government requires sellers to charge only \$50, the government is essentially demanding that sellers give a \$50 gift to each buyer. If the government demands that the product be sold at \$150, it is demanding that the buyers each give a \$50 gift to the seller. I have argued in Section 3.5 that in some cases a government may in fact need to spend money directly on activities needed for infrastructure or emergencies. The same criterion that applies to those activities also applies to price controls: the favored activity must be not merely good, but so important that no one can in good conscience refuse to pay for it.

Price controls, like wage controls, have a long history of failure, precisely because they fundamentally deny economic reality. When prices are fixed below the market value, shortages occur, because people will buy up the product at its artificially low price, and then resell it secretly for the real market price, in what is known as a “black market.” Without the incentive to get more money for a product in high demand, producers will not make more products to meet these shortages.

On the other hand, when the seller is aided instead of the buyer, many

workers are supported to work in a field with little value, leaving other, more needed fields to be neglected. For example, US government support for ethanol production, through a combination of tax breaks and payments to farmers, has led many farmers to stop food production, driving up food prices and harming the poor around the world.

Discussing economic realities like this irritates many leftists, and many evangelicals, because economic realities like the law of supply and demand don't seem as real as physical realities such as the law of gravity; they depend on human decisions, and human decisions ought, in principle, to be controllable. Dictating to people that they ought to value a service or product more or less than they do, however, is no different from dictating to them to believe a falsehood or to believe a religion they are not convinced of.

6.6 Helping the Poor

As discussed at the beginning of this chapter, if there is one constant refrain in the Bible, it is the command from God that we should be concerned to help the poor. Simply put, a person who is unconcerned about helping the poor is not a Christian. Ron Sider, a Christian leftist, did perhaps his best work in simply compiling all the verses of the Bible that talk of helping the poor in his book, *Cry Justice*.

There are two sides to this concern. The first is that the poor get justice. In the Bible, this means that rich people, with well-paid lawyers and media campaigns (and possibly bribes), not be shown favoritism by the government, so that the poor are denied their rights. A classic example of this is poor blacks in the South who were denied the right to vote because they could not pass a competence test, but the reason they could not pass the test was because they had no schooling, and the reason they had no schooling was because they were too poor to pay for private school, and the government schools offered to them were of very low quality. Christians in the South of many types eventually rallied to make a more just system.

The second type of concern is to directly help the poor by giving them money or goods. Many leftists use biblical language to refer to this type of financial aid as a right. As discussed in Sections 2.2 and 6.1, for many leftists, "social justice" is defined as the government redistributing wealth to take from the rich and give to the poor.

Christian conservatives agree that direct aid to the poor is commanded

by the Bible, but many argue that the government should not be involved in this. They would argue that the commands of charity apply to individuals and churches, not to the government. The primary argument for this position is that if the government has the right to confiscate wealth from some people and give it to others, it has enormous power which can easily become corrupted; as discussed in Chapter 3, power corrupts. If a charitable agency is found to be corrupt, people can stop giving to it, but people are not free to stop paying their taxes if they find the government wastes money supposed to be given to the poor.

Another argument is that this system can lead to a cycle of poverty: if people are assured financial support from the government, there will be little incentive to work unless they can make a lot more than what the government gives out for free. It also leads to a sort of slavery—people in the system must report to a social worker to prove that they are truly poor and that they are following other rules of the government, which puts them in a subservient position, with the social worker as a master.

Last, too much government redistribution of wealth can also lead to a “social services–voter complex,” akin to the “military-industrial complex” discussed in Section 5.5. People who receive money from the government will tend to vote for politicians who keep giving them money. The social workers who administer the programs will also vote for politicians who allow them to keep their jobs. As social agencies grow, their power grows, until they become self-perpetuating.

The Bible does not clearly rule out direct government aid to the poor, however, although it also does not resoundingly call for it. Two examples give some support for direct aid by the government. One is the system in Israel by which the Levitical priests collected tithes to redistribute to the poor, as well as to support themselves.⁸¹ As discussed in Section 5.2, however, the Levites were not part of the government. People who did not give to the Levites risked being shunned by the community of faith, which could be a serious penalty, as discussed in Section 6.7, but there was no civil penalty for not giving; no one was stoned or incarcerated for failing to pay the Levitical tithe. The Levitical tithe therefore resembles more closely the system of churches collecting voluntary tithes to help the poor. There were also the “gleaning” laws,⁸² which stated that a small percentage of the crops of the

⁸¹Deuteronomy 26:12-13.

⁸²Leviticus 19:10, 23:22; Deuteronomy 23:24, 24:19-22.

fields must be left for the poor to gather. This was in effect a tax on farmers of perhaps 1-2% of their crops. As with the Levitical tax, there was no stated civil penalty attached to the farmer for not following this practice, so we must assume that the maximum penalty was rejection by the rest of the community, a serious matter but not at the level of punishment of many other crimes.

A second example occurs in Genesis 41, when the Israelite Joseph worked for the government of Egypt to collect a tax from the people which it then used to help the poor during a time of famine. Some conservative Christians have suggested that this was an evil act by Joseph, and that it ultimately led to the oppression of the Israelites and others. But Joseph is commended in Scripture and, speaking as a prophet, says God meant it for good that he should go to Egypt and take this role.⁸³

It is hard to use this example to justify a general welfare state, however. The system created by Joseph is explicitly connected to an emergency, a famine. One may therefore generalize it to something closer to the United States FEMA (Federal Emergency Management Agency). Essentially, the government adopts the role of an insurance company, collecting money from many people to aid those who are affected in times of crisis.

Should this job be left entirely to private insurance companies? On one hand, if people engage in risky activity that they either do not take the care to insure, or which is so risky that no company will insure it, it is a poor choice for the government to encourage the activity by insuring it. People who live in flood plains, earthquake zones, or hurricane regions know that they face certain risks. On the other hand, there will always be disasters which no one could foresee. A government which has no plan for dealing with emergency, no resources for feeding thousands of suddenly displaced people, is no different from a nation which has no plan in case of military attack from other hostile armies.

Some Christians have argued that the voluntary donations from churches will always suffice to help the poor, even in emergency situations, without need for government involvement. As discussed in Section 6.1, Scripture does call for voluntary generosity. A society with a large church community, or for that matter a large number of generous non-Christians, might be able to cover all of the needs of the poor without need for the government to step in. Christians who argue that the church can *always* take care of all the needs of

⁸³Genesis 50:20.

the poor, without need for other agencies, are being naive, however. Many cultures exist in which the church is a tiny minority. Should Christians in those countries oppose their governments helping the poor?

The Bible gives us what may be called a prioritization of responders. The first line of response for a person in poverty ought to be a person's family and relatives: as Paul says, "If anyone does not provide for his relatives, and especially for members of his household, he has denied the faith and is worse than an unbeliever."⁸⁴ As a vestige of the Reformation, as late as the 1990's the nation of Germany still required close relatives to be sought to take care of those in need, before the government would give assistance.

The second line of response is the church, and the church's first line of response is for its own members: "If anyone has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him?"⁸⁵ A "brother" here primarily refers to fellow church members; the church is called to make sure that there are none in dire need among them.⁸⁶

On basic principles we cannot rule out a role for government as a third line of response, especially in emergency situations. Some people may have no relatives and may not be members of a church, or may not want to associate with a church even to the point of accepting material help. (The books of Dickens and Steinbeck give us examples of people who felt that churches laid too many moral expectations on them.) It would be binding the conscience of such people to demand that they accept help from churches.

Loans. The main method of helping the poor discussed in the law of Moses is not handouts, but loans without interest. As mentioned in Section 6.5, while it is not explicitly stated in the Bible, it seems implicitly assumed in the biblical ethos that begging and accepting handouts is state of no dignity, the lowest form of poverty, worse than slavery. But the law of Moses also seems to assume that many poor people will borrow money with the vow to pay it back, and as discussed in Sections 6.4 and 6.5, the Sabbath year law which released debts in the seventh year prevented these debts from becoming a heavy burden.

In recent years the concept of "microfinance" has gained broad support as a way of helping the poor by small loans, and appears to work well.⁸⁷

⁸⁴1 Timothy 5:8.

⁸⁵1 John 3:17.

⁸⁶Acts 4:34: "There was not a needy person among them, for as many were owners of lands or houses sold them and brought the proceeds of what was sold."

⁸⁷See, e.g., <http://www.kiva.org>.

The incentive for the borrowers to pay back the money is not fear of debtor's prison or losing their homes, but the promise of larger loans in the future if they build up good credit. While this type of system can certainly be financed by private individuals and the church, it is hard to make a biblical argument that the government must be forbidden from doing it also. It could certainly be a better plan than simple handouts, and as discussed in Section 6.2, it could be argued as the modern equivalent of the land inheritance for citizens.

The Bible clearly cries out against profiting from the vulnerability of the poor by charging them interest on loans they take simply to meet their daily needs.⁸⁸ The case of loans not to the poor, but to business people for investment, is less clear. Some verses seem to forbid all loans with interest between members of the community of God: "You shall not charge interest on loans to your brother, interest on money, interest on food, interest on anything that is lent for interest. You may charge a foreigner interest, but you may not charge your brother interest."⁸⁹ It can be argued, however, that these verses are just a repeat of the original commands specifically aimed at protecting the poor, and business investment is not in view here. For someone who is not vulnerable in poverty, a loan of money is no different from renting a car—one is renting money at a fixed cost, and the practice of renting is not immoral. The difference between the two cases may be defined in terms of what is used as collateral. The Bible condemns taking as collateral for a loan something which a person would need to live, such as a cloak or millstone.⁹⁰ For those who are wealthy enough to have collateral which they can afford to lose if they default, a standard loan with interest makes sense. But a loan to a person with no such property should also be a loan without interest, lest the person continue to go further in debt.

The bottom line is that "the poor will always be with you."⁹¹ A biblical approach to poverty cannot take the utopian view that we can eradicate poverty everywhere and forever. We must ensure that the poor are not treated unjustly in the courts; the government can intervene in emergencies to alleviate suffering, but inequities will occur and are not intrinsically unjust.

⁸⁸Exodus 22:25, Leviticus 25:36.

⁸⁹Deuteronomy 23:19-20. See also Nehemiah 5:7-10.

⁹⁰Deuteronomy 24:5, 24:10-13, 24:17, Job 24:9, Ezekiel 18:7, Amos 2:8.

⁹¹Matthew 26:9.

6.7 Discrimination, Boycotts, and Freedom of Association

One of the most controversial topics of the present political world is the tension between freedom of association and prejudice. On one hand, people feel a natural desire to associate, support, and do business with people similar to them, especially with people who share their beliefs and goals. On the other hand, if a majority of people conspire to prevent some other group from access to jobs and other economic activity, real harm can be done to that group.

For the purposes of this discussion, all of the following fall under the same category, namely, a decision by one group to boycott, that is, to refuse some types of association or economic relation with, some other group. The group refusing to work with the other group most likely would claim freedom of association.

- Known communists were boycotted, or blacklisted, during the 1950's.
- Known Nazis were boycotted during the 1940's; this successful boycott, or blacklist, was the template for the later blacklist of communists.
- Many leftists today subscribe to "ethical" investment funds that do not do business with companies that make weapons or that are judged to harm the environment.
- Boycotts of all types are organized against companies for various reasons, such as supporting political causes that are disliked (e.g., the owner of Domino's pizza donated to pro-life causes, which led to an organized boycott against Domino's by leftists; many conservatives have boycotted companies that supported soft pornography on television).
- Many evangelical Christian organizations and churches do not allow practicing homosexuals as full members.
- In the past in the US, many clubs did not allow blacks, Jews, or Catholics to join. Many business owners also did not do business with members of these groups. Some communities formed clubs or associations that forbade selling land or homes to these groups.

- Many clubs today are all men or all women. In the past, many private schools and universities were all women or all men; some still are today.
- Many colleges have black student societies or Jewish student societies which define themselves by their selection of only certain types of people. Many members of these clubs help each other out in the business world later in life.
- Many clubs today are restricted to rich people, namely, those who can afford very expensive dues.
- Many political forums on both the right and left are closed to outsiders, and allow new members by invitation only. Many internet social networks work the same way.
- Many academic and scientific societies allow members by invitation only, using both academic success and personal connections (which often include knowledge of political and religious positions) as criteria for membership. Scientists with well-known unpopular political or social views, such as racism, are unlikely to be invited.
- Many college fraternities take members by invitation only, using criteria such as looks, family wealth and connections, and athleticism.
- Many sports teams, both amateur and professional, select participants based on their ability to help the team win, and often pick these members based on personal recommendations rather than an open competition.
- At various times, people have organized “buy American” campaigns which are effectively boycotts against dealers of foreign-made goods.
- Hollywood film makers often will refuse to do business with people they deem racist or anti-Semitic.
- Most people would personally avoid doing business with a shop that had a sign in the window advertising a political cause they despised. The same applies to a company that openly gives donations for advertising a political candidate or cause that one despises.

- Many people today would be uncomfortable having a self-professed Satan worshipper teach their children in school, and might pull their child from that school.

In each of these cases, people make a decision not to associate with or support other types of people, based on criteria that are important to them for one reason or another. This activity can be called “discrimination” or “freedom of association,” depending on which side you are on. Probably everyone reading this list will feel sympathetic to some of these activities and unsympathetic to others.

Some general points can be made. First, the activity of boycotting can indeed do harm to a person or group. Indeed, in many cases that is the entire point of the boycott: to harm someone until they change their behavior. A person who cannot find work, or cannot buy needed goods, or make social connections which lead to economic opportunities, can be severely harmed, being forced into poverty.

A boycott or policy of discrimination can therefore be seen as a type of vigilante justice: a non-authoritative group judges that someone else should be harmed. In the Law of Moses, this activity goes under the name of being “cut off from the people,” i.e., outcast. It was meted out by the same type of judicial process as other punishments, namely a violation of published written law followed by a formal judicial hearing and decision. If it was not formally meted out, then the default policy of Israel was to treat all who obeyed the laws of the land the same, whether ethnically connected to Israel or not. As discussed in Section 6.3, the Law of Moses is full on injunctions to treat the “stranger” (who typically would have been migrant workers) the same as others, both in the law and socially:

When a stranger sojourns with you in your land, you shall not do him wrong. You shall treat the stranger who sojourns with you as the native among you, and you shall love him as yourself, for you were strangers in the land of Egypt: I am the Lord your God. (Leviticus 19:33)

For the assembly, there shall be one statute for you and for the stranger who sojourns with you, a statute forever throughout your generations. You and the sojourner shall be alike before the Lord. One law and one rule shall be for you and for the stranger who sojourns with you. (Numbers 15:15-16)

The concept of harm done by unjust discrimination is therefore a legitimate concept, in the biblical ethic.

Against this must be balanced the rights of individuals and groups to form their own business associations and friendships. Persons engaging in the above list of activities typically would have two motivations. One is that people feel that they cannot in good conscience support someone who is doing an activity that they view as immoral. The other is that people feel they have the right to find associates who help them succeed or live well.

Even being sealed out of the social networks that lead to business deals or political or academic appointments can lead to harm: if one group can never get to know the leaders of the society by membership in elite clubs and forums, a so-called “old boys’ network,” a class structure can form, in which one group of people always controls the rest, running the government, business, and academic institutions of the society. Even if this governing class acts out of “noblesse oblige,” that is, with benevolent intentions, if the governing class operates without input from the excluded groups, their decisions may harm the excluded groups simply by ignorance.

There is no question then that harm can be done by exclusion from association with various groups. The question remains, under what conditions could a person legitimately sue in court for recompense for this harm? Harm alone is not sufficient; one must prove unjust harm. To prove it unjust, one must show 1) that it was intentional, 2) that the harm created did not exceed the authority of the harmer, and 3) that it had no good purpose.

On the first criterion, a boycott is clearly intentional harm, but some associations which select people on the basis of personal preferences such as religion or sex may not intend to harm anyone else. On the second criterion, clearly bodily harm such as beatings and murder are beyond the authority of any private person or group, as discussed in Section 2.1. But freedom of association runs very close to freedom of speech: to limit freedom of association is to tell a person he must like someone he does not like, which is to bind his thoughts. Just as freedom of speech means that we must tolerate some error, so freedom of association means we must tolerate some people not wanting to associate with some other people for bad reasons. We have discussed limits on freedom of speech in Section 3.2. Like freedom of speech, freedom of association is not absolute, when it can be shown to lead to direct harm. But also like freedom of speech, limitations on freedom of association should be made only with great trepidation, and only when direct harm is proven. Most Christians today would agree that forbidding all blacks from

entering restaurants serves no good purpose and does harm. They would argue, however, that those with different sexual morals may legitimately be excluded from their associations, since this exclusion does not harm outsiders and has the good purpose of setting examples to their children of the type of morality they want to teach. Interestingly, in recent years some homosexual groups have also affirmed the right to freedom of association based on agreed-upon sexual morality, in having homosexual-only groups or baseball teams with an upper quota of the number of heterosexual men.

On the third criterion, it is possible to argue that some minor harm caused by boycotts is equivalent to the harm done by some free speech, which can have a good purpose. If I am jaywalking and a stranger yells at me for setting a bad example to small children, I am mildly harmed by the stress of having a person yell at me. If a thousand people have a rally to yell at a politician, the politician is certainly put under stress, which may even make a heart attack more probable. These types of stress are similar in nature to the types of stress created by some boycotts. A boycott may cause a person the stress of changing a business model, but may not directly cause the boycotted person to starve.

This distinction between what is definitely harm to another and what is merely risky to them is analogous to that which we will make in Section 7.1 in regard to self harm. As such, it involves judgment calls about what is truly direct harm for no good purpose, and what is risky but not directly harmful, with some good purpose. Judgment calls involve judges, and therefore courts.

Christians therefore can affirm a right for a person to sue in court in regard to harm done by discrimination or boycotts. For a just judgment, such activities can only be penalized if the three criteria given above are satisfied; it is not enough to show merely that a distinction between different types of persons occurred.

6.8 Taxes

I have already argued in Section 3.5 that a legitimate government has a right to a tax. How much tax, and what kind of tax? Can a government legitimately take 100% of all income? 90%?

The prophet Samuel's speech in 1 Samuel 8:15-18 indicates that a tax of more than 10% of income is oppressive. I have already argued in Chapter 3 that Christians must insist on *limits* to government, and a limit of 10% seems

appropriate. That statement by Samuel cannot be taken as an absolute edict, however; like many of the proverbs of the Bible, it is given as a truism, something that is generally true, not a prescriptive law.

At a pragmatic level, the famous Laffer curve indicates that a taxation rate exceeding some percentage is likely to have diminishing returns in any case (see Appendix C). This argument is based on a simple logic: if the government confiscated 100% of all income, it would actually receive no taxes, because no one would work to give all their earnings to the government (unless they are slaves). Since a 0% tax and a 100% tax both bring in zero tax, the maximum income to the government must correspond to some rate between 0 and 100%. Where exactly this optimum tax rate lies is the subject of much debate. One can generally say that as the tax rate increases, the likelihood increases that some people will make decisions to work less since they see less return for their work. (Alternatively, one could view the question as a cost for labor: a high tax rate increases the cost to an employer for labor, since the employer must pay people enough that their take-home salary left after taxes is enough to live on. When the cost of labor exceeds the perceived value of that labor, hiring will decrease.) The point at which higher tax rate leads to lower tax income to the government will be determined by the psychology of what rate affects decisions made by people, which may vary from one country to another. In general, tax rates well below 10% are unlikely to affect behavior, while tax rates in excess of 50% are likely to affect behavior quite strongly.

Assuming that we accept an income tax as within the power of government, there is still the question of how to define “income,” however. The present US system involves a Byzantine code of myriad laws just for each person to decide what is his “income.” Some rich people have no “income” and therefore pay no tax, while some poor people pay 30% of their salary in taxes. Many politicians have talked of “tax simplification,” but they usually mean simplifying the simplest part of the tax code, which is the tax rates. But nobody has problems with tax table; it is defining “income” which is so difficult.

There is also the question of the progressive income tax. If the tax rate is “flat,” then poor people will pay a larger fraction of their “disposable” income, i.e., the amount left over after paying for their needs. If the rate is higher for rich people, then the law is different for different people and is open to the charge of injustice.

In the Old Testament, there was no difficulty in defining “income” because

it was defined in concrete terms—the produce of the land. Is it possible to have this kind of system in our present society? The government could simply claim up to 10% of all crops and 10% of all other “produce” of the land, i.e. oil, coal, minerals, lumber, etc. This would seem to hit farmers and producers of raw material harder than the rest of society, but ultimately, since all other products depend on these, the cost would be passed on to all of society. One could also generalize this concept to include 10% of all energy generated in power plants, since generating energy takes a cost from the environment in addition to the cost of mining or finding the materials to be burned.

Two other types of taxes commonly used today have no precedent in the Bible. The first is the property tax. In the common American property tax system, a person may own land that has been in a family for generations, paid for long ago, but if a rich person moves nearby and builds a fancy house, the property value of the land will go up, and in most local tax systems the property tax will go up proportionately. Ultimately, the property tax may be too much to pay, and a person may be forced off the family land merely by the proximity of the rich person. It is hard to imagine a system more unjust to the poor, counter to the principles of the Bible, and beneficial to the rich. Yet many communities initially created this type of property tax system in order to restrain the power of rich landowners, by taking a fraction of their wealth every year.

This is one of the most regressive taxes imaginable, because it can force poor landowners off their land even if they have paid for their land long ago. The mere proximity of a rich person can drive up the sale value of the land, raising the property taxes until their poor person can no longer afford them. It also involves a high degree of arbitrariness, and therefore potential corruption, in the way in which the value of property is assessed. US cities are full of stories of favors and bribery in the assessment system.

A sales tax is also regressive, although many states often exempt basic needs from sales tax. The biggest problem with a sales tax, however, is that it gives the government control over the entire economy similar to the way that an income tax does. Every shopkeeper must send all his records to the government; no one can buy or sell without the stamp of the government. In the case of a VAT (value-added tax), which taxes all transactions including wholesales, the government can take a huge percentage of the economy without the people knowing it, since in this case the total tax is rarely stated directly to the end consumer. This is the case at present in Europe in which the governments take a huge fraction of the people’s wealth. The sum of all

the sales taxes at the various stages in making a product simply leads to a high price for the consumer.

A last category is taxes on imports. There is little in the Bible to forbid this, since a country has the right to control its borders, and other countries may have other laws and practices regarding pricing. Without this power, a country could fall victim to hostile “dumping,” i.e. economic warfare in which another government underwrites the cost of goods which are sold elsewhere.

In addition to taking a fraction of a person’s produce, many governments also have demanded a fraction of a person’s time, i.e., a draft. Many modern governments require a period of time in service to support their military. King Solomon used a draft to build great works, but the continuation of this practice by his son Rehoboam led to rebellion and civil war and ultimately the breakdown of the kingdom. We do not know the exact demands of time asked by Solomon and Rehoboam, but like a tax, a draft will be perceived as oppressive if too much is asked but will seem reasonable to most people at a small level.

We can learn something about the legitimacy of drafts by looking at how the law of Moses treated a military draft. In Deuteronomy 20:5-8 we read,

Then the officers shall speak to the people, saying, ‘Is there any man who has built a new house and has not dedicated it? Let him go back to his house, lest he die in the battle and another man dedicate it. And is there any man who has planted a vineyard and has not enjoyed its fruit? Let him go back to his house, lest he die in the battle and another man enjoy its fruit. And is there any man who has betrothed a wife and has not taken her? Let him go back to his house, lest he die in the battle and another man take her.’ And the officers shall speak further to the people, and say, ‘Is there any man who is fearful and fainthearted? Let him go back to his house, lest he make the heart of his fellows melt like his own.’

This passage simultaneously supports the concept of a military service as a legitimate expectation of the government and also the right of people to be exempted for various legitimate reasons. The passage presumes that people will have shown up to present themselves when called up by legitimate leaders. Yet it also gives three very broad reasons why a person may be exempted: hardship due to family or business obligations, and inability to

do the work. The default is to take the word of the person who claims such exemption.

In modern society, it almost seems that the Right feels lower taxes are always better, while the Left feels that higher taxes are always better. As discussed above, the Christian ethic of the Bible affirms a right to a tax, and gives support to the right to a draft. The principle of limited government, however, says that these should be limited; an argument can be made to limit government income to 10% of the produce of the land, one year of the lifetime of the people, and import taxes. There is no question that restricting the government income to these is likely to give the government much less resources than it presently has with its multiple taxes on every sector of the economy. This is an explicit goal of all who believe in limited government—the government is limited not only in its authority but also in its total wealth.

6.9 Money

In talking about money, let me first reiterate something known by almost all evangelical Christians, but which sometimes causes confusion among others. The Bible does not say “money is the root of all evil.” It says “love of money is the root of all kinds of evil.”⁹² Greed and hoarding are sins condemned by the Bible, but using money is not. Money is essential for a healthy economy as an easily convertible means of exchange. Christians should not be caught up with it, but they should have no compunction about using it as they would use any tool.

Christians in the US have rallied around various causes of debatable merit in the past two centuries in regard to money. In the 1800’s, many Christians joined the “free silver” movement, while in this century, many Christians have demanded the “gold standard.” These movements lie on opposite extremes of the dilemma of money supply.

On one side, the “gold standard” movement properly notes the prohibition in the Bible against “varying weights and standards.” If a person buys a bushel of apples for \$10 on day, and then the next day is told by the government that his \$10 is worth only half a bushel of apples, then he has effectively been robbed of half a bushel. In today’s economy, a dollar is essentially worth nothing but whatever the government and the banks say it

⁹²1 Timothy 6:10.

is worth, and that can change from day to day. Setting the dollar's value to a fixed standard such as gold would prevent this kind of arbitrariness.

On the other hand, suppose the population grows but the supply of gold does not. Then eventually there will not be enough money for people to complete their basic transactions, and the economy will grind to a halt. This was the situation the "free silver" movement attempted to address.⁹³ In the late 1800's there often was simply not enough money to go around, so that workers could not be paid, and many Christians demanded a release of the silver reserves for common use.

There is an intrinsic problem in tying a growing economy to a commodity with fixed supply such as gold. One would like a commodity which has definite value, but which can also expand to meet the need of an expanding economy. If not enough new gold is discovered, the economy will suffer deflation, and if too much gold is discovered, the economy will suffer rapid inflation. For this reason the countries of the world, including the US, dropped the gold standard in the late 1960's. Doing this allowed the government to print as much money as it wished, and in the 1970's, rampant inflation occurred as the government simply printed too much money. This was stopped in the 1980's under Reagan, probably the greatest contribution to the economy of his presidency. There is nothing in principle to prevent rampant inflation again except the government's self restraint, and many other countries in the world still have runaway inflation as their governments essentially print money to pay their bills.

In the US today, the money system boils down to this: a "standard basket of goods" is defined, comprised of things considered necessary for life, and the money supply is controlled to keep the cost of this standard basket of goods constant. The government controls the money supply by setting the interest rates it pays on money it borrows and which it demands on money it lends. One complication is that items in the standard basket of goods may become obsolete; if beef starts to cost too much, people will switch to chicken; if cell phones become cheap enough, people will view them as one of the basics of life. For this reason, the definition of the standard basket of goods is revised from time to time by the government.

This system is not inherently unjust; it aims to keep the value of money

⁹³See, e.g., C.M. Stevems, *Free Silver and the People: A Campaign Handbook for the Struggling Millions against the Gold-Hoarding Millionaires*, (F. Tennyson Neely, New York, 1896; reprinted by Bibliobazaar, 2008).

constant, but substitutes the “basket of goods” standard for the gold standard. A major difference is that it is a *judged* standard—the panels and boards of the government define the value of the dollar as they see best. As we have seen many times in this book, judgment calls by humans are intrinsic to government, and the Bible approves of judges making situational decisions based on wisdom and foresight.

Those who define the value of money clearly have enormous power. As a check on their power, it stands to reason that they, like others in the government, should either be elected or be appointed and removed from office by elected officials.

Is there a way to have a growing money supply in a growing economy while still keeping an absolute standard instead of a judged standard for the unit of exchange? The problem is to find something which is universally valued so that it can be quickly exchanged. Essentially, in today’s economy, the dollar itself is a universally valued item, which takes its value in terms of what it can buy.

A natural unit to consider is a unit of *energy*, e.g. a “barrel of oil” standard, but the value of money could be pegged to the energy equivalent of one barrel of oil if it is burned, in technical terms, a certain number of kiloJoules, allowing new sources of energy to be pegged to the same standard. This unit fits the standard of the Bible that it can be defined by an absolute standard without varying measure, and also increases in an increasing economy. No economy can grow without increasing energy resources. The role of the government in this case would be to ensure the use of proper measurement standards and honesty in exchanges. The discovery of a new, cheap energy source would be inflationary in this system, however.

Another natural unit is the unit of *labor*. This system would peg the minimum wage to one hour of unskilled labor. This is naturally tied to the size of the economy, and also solves the problem of the minimum wage; by definition, it would be unjust to pay a person who works an hour less than the unit of one hour’s work.

The regulation of printed money (or electronic money transfer systems) by the government falls under the government’s legitimate duty to prevent varying weight and measures, that is, deception. In essence, the government must ensure that a legal IOU from one individual or corporation to another will be honored. While private agreements may be broken, a “legal tender” has the official backing of the government.

Chapter 7

Sex, Marriage and Family

Few issues get people more worked up than the idea of laws regarding sex. Does such a thing as a “sex crime” exist? Is this mere prudishness, a Spanish Inquisition, or worse?

Before addressing specific issues, I must point out that no matter what one’s position, no one can deny that sexuality is an *important* part of a society. It controls the birth of children and therefore the propagation of the race, it gives great pleasure and therefore is an overriding goal and concern for most people, and it involves the intermingling of body fluids and therefore is an extremely efficient means of communicating disease. Any view which says that the government and moral leaders should have no concern about sex because it is too unimportant for them to worry about is utterly naive.

7.1 Is There a Right to Self Destruction?

The question of sex crimes involves the larger question of whether there is a right to self destruction. The dominant ethic in the US today says that any sexual act is okay as long as the person consents, even if the act is destructive in some way to the person. The same ethic applies to drugs, gambling, smoking, etc.

In this regard, we must begin by recognizing that the two main competing political philosophies in America today are not liberalism and conservatism. That distinction, left over from history, blurs the real underlying differences that often come out within each political party. The main competing philosophies in America today are *libertarianism* and *moral conservatism*.

A fundamental teaching of libertarianism, and a belief that often goes as a truism in American culture, is that people have the right to self destruction. This takes many forms. Libertarians (often calling themselves “conservative”) support the legalization of drugs, reduced restrictions on alcohol and smoking, a right to suicide, the legalization of gambling, prostitution and pornography, and many other “self-destructive” things. Newspaper columnists like Ann Landers take the view that any sex act “between two (or more) consenting adults” is okay. No one asks whether those acts could be self-destructive—as long as all involved give “consent”, even self destruction is legitimate.

A measure of the strength of this philosophy is seen in the story of smoking in the US. Numerous scientific studies repeatedly showed that smoking causes death in smokers. Attempts to ban smoking on these grounds repeatedly failed, however. Most Americans felt that people had the right to destroy their own bodies with cigarettes. In the 1980’s, however, a few studies showed a very weak link between “second-hand” smoke (smoke breathed by non-smokers in the presence of a smoker) and health hazards for the non-smokers. On the basis of this tenuous evidence, a national campaign began to immediately stamp out smoking by banning it in nearly all public places. Although the evidence was much weaker for bad effects on non-smokers than on the smokers themselves, people supported the bans because *involuntary* risks for *other people* might occur. Nobody cared about the much greater hazards for the smokers themselves! Doctors, including the famous evangelical Christian, Surgeon General C. Everitt Koop, supported the bans, because they accurately concluded that reducing the amount of smoking in public would lead some smokers to quit, which would save lives.¹ They could not make the case directly that smoking ought to be outlawed. That would interfere with the right to self destruction! Instead, a deception based on the alleged risks of second-hand smoke accomplished the same goal.

The overwhelming power of the argument, “It’s my body; I have a right to do what I want with it,” has led many people to approve of the legality of activities that their “common sense” says are wrong. Sexual promiscuity can lead to a horrible death by AIDS, gonorrhea, or some other disease, yet people can not muster the moral certitude to tell teenagers not to have sex—instead they tell them to practice “safer sex” with latex condoms, which offer

¹National Library of Medicine, History of Medicine Division, The C. Everett Koop papers (profiles.nlm.nih.gov/ps/retrieve/Narrative/qq/p-nid/85).

only partial protection against disease. People made fun of Dr. Kevorkian as “Dr. Death” when he put people to death who wished to commit suicide, yet they seemed powerless to argue against him, and the “Hemlock Society” which advocates a right to suicide is growing in numbers and influence.

Libertarians seem to miss, or gloss over, the role of the *salesman* in all of this. If an activity is legal, then how can we prevent someone from selling the products to aid it? If people want to sell products to aid self-destructive activities, can we fault them for making those activities seem desirable, in order to sell more products, if the activities are legal? And one cannot argue that advertising is ineffective. People would not spend billions of dollars on advertising if it were ineffective.

We do not live in a world where people make independent, abstract moral choices. People decide whether to have sex in a marketplace filled with *Playboy*, *Seventeen*, and MTV, that make promiscuous sex seem like the greatest thing in the world, part of a normal, healthy lifestyle, and virginity a thing of shame. If suicide were legal, soon we would have numerous companies and television ads telling us how to do it and what an honorable thing it was. It would be a small step to a society in which old people were told it was their moral obligation to get out of the way and kill themselves, the diametric opposite of the Bible’s injunction to honor the elderly.

Libertarians are also naive about the role of “consent.” If a person comes to me with a poison pill, and says “This tastes great, but there is a certain chance you will get ill from it,” and I consent to take it, is the person off the hook of responsibility if I die? Much is made of an “informed decision” but any doctor will attest that a patient will almost always do whatever the doctor suggests. In the same way, a person in a state of depression can be easily influenced to believe that suicide is the best option, and a person in the height of sexual desire can easily believe that “It feels so right, it can’t be wrong.” Even if a person has been informed of the facts and risks, there are many powerful outside influences which can affect our decisions. We all know that children are easily influenced, and many people who approve of free sex for adults nevertheless also approve of strict punishments for sex with minors, on the basis that the child can be too easily influenced to consent to sex. The same rationale goes for limitations on gambling, smoking, and alcohol for minors. But is a 19-year old (or 21-year old) suddenly old and mature, free from outside influence? What about the influence which intelligent people have over less intelligent people? What about the influence of rich and powerful people over less powerful people? What about the

influence of beautiful people over people who like to look at them? Are these necessarily any less than the influence of an adult over a child? The entire advertising industry is based on the assumption that people's decisions can be influenced, sometimes strongly.

Ultimately, even if a person makes a completely informed and uninfluenced decision to destroy himself, this act of self destruction is still harm against a person. We can therefore state a general principle,

There is no general right to self destruction, because allowing self destruction allows some people to promote it to other, more vulnerable people, which results in oppression of the weak by the strong.

(7.1)

In applying this we must make a distinction between activities definitely known to be self-destructive and activities which are merely "risky." All kinds of activities carry risk, such as skiing, cooking with sharp knives, driving a car, eating shellfish, etc. A government cannot possibly outlaw all activities with any risk; if it tries, it becomes the so-called "nanny state." But if the leaders of the government decide that certain activities involve clear and obvious self destruction, then the government cannot stand idly by, for to allow that activity is to allow salesmen to promote the activity. Taking a middle course of taxing the activity is even worse, putting the government itself in the role of advertising and profiting from self-destructive activities.

Because there is a continuum of degrees of relative risk, and because not all the facts are known to us, it will always be difficult to draw lines between what should always be illegal, what should be done only by those certified by licenses (see Section 3.9), and what should always be legal. This type of line drawing brings up once again the essential role of judges, that is, people who make judgment calls (see Section 5.3). It is not immediately obvious where to draw the line between the various addictive substances of coffee, alcohol, marijuana, and heroin and harder drugs. In the same way it is not obvious where to draw the line for unsafe speed on the highway: most people feel 65 miles per hour is safe, and 95 miles per hour is unsafe, but where exactly should we draw the legal line between them? Why not 67, or 73? But though drawing lines involves judgment calls, we cannot argue that the vagueness of the boundary between what is merely risky and what is certainly self-destructive demands that we must draw no line at all. Every aspect of

human activity involves some judgment calls, and that is why laws are made and judged by people and not machines.

The example of Prohibition is often used to argue against restrictions on self-destructive activities. The “lesson learned” is that outlawing a self-destructive activity only puts criminals in charge of it, e.g., the famous “speakeasies” run by mob members during Prohibition. The reality is much more ambiguous. First, the Bible does not prohibit drinking alcohol, and in fact recommends it in some cases,² although it condemns drunkenness. There was therefore never a moral consensus in America even among Christians that drinking alcohol is wrong, and therefore Prohibition was doomed to fail. Scientifically, drinking small amounts of alcohol has not been shown to have significant risk, except in the case of operating vehicles and machinery.

When there is no moral consensus that an act is really wrong, then a law against it seems arbitrary and unjust to the people, and widespread disobedience is inevitable. As discussed in Chapter 2, laws reflect the moral consensus of a nation, they do not precede it. This should be a lesson for Christian conservatives on any issue, whether on abortion or alcohol: we must first work to create a moral consensus, and when this consensus exists, passing laws must follow. Prohibition failed because most people did not believe alcohol is really evil. It did not fail because prohibiting self destruction is intrinsically wrong.

Today most people do not believe that consensual sexual activity between two adults is wrong. If Christians want to change this consensus, they must show that the sexual revolution has not just offended prudish sensibilities, it has led to oppression of many people, including the poor.

7.2 The Oppression of Men and Women by the Sexual Revolution

It is incorrect to say that sexuality today is not bound by an ethic, that people have the freedom to any sexual activities they want. Sexual behavior today

²Ecclesiastes 10:19, 1 Timothy 5:23. John 2 also records that Jesus made abundant wine for a party, and Jesus was known as a wine drinker. Joel 3:18. Amos 9:13-14 and other prophetic passages present wine drinking as an act of blessing. The argument made by some teetotalers that the word “wine” in these places means non-alcoholic grape juice has no basis in the historical context, as is clear because drunkenness from drinking wine is recorded in many places.

follows a highly-developed ethic that is different from the Christian sexual ethic, but just as binding (transgressors will land in jail), and possibly as prudish as the most Victorian ages of Christian societies. The ethic of today (which I call the “Dear Abby” ethic) has the following laws:

1) Anyone may have sex with anyone, as long as that person consents. Sex without consent is a crime (rape), no matter whether the persons are married. Consent is defined as a verbal statement prior to each act and not revoked by later verbal statements during the act. In some cases, even a verbal statement of consent is not enough because a person may feel pressured into making the statement. Verbal consent must be given in an unpressured environment.

2) Any woman may wear anything she wants, as sexually provocative as she wants, but staring at or otherwise lustfully looking at a woman is a form of rape, no matter how she is dressed, unless she wants you to look at her that way. To know whether a woman wants you to look at her requires a highly developed form of nonverbal code. Some men never master this code, becoming known as “losers.”

3) Any and all sexual preferences are acceptable except for ones which involve sex with children or violence against women. In those cases, the person is evil and must be swiftly punished. If a person finds it hard to change his nature from homosexuality, bisexuality, cross-dressing, etc., it proves the normalcy of the act, but if a person finds it difficult to change one’s nature in regard to pedophilia or violence against women this proves how evil the person is.

4) No marriage vow is to be taken as binding, and marriage can be dissolved easily at the desire of either of the partners. Divorce is perfectly normal and often desirable when there is any type of repression of a person’s individuality and self-worth. In general, a verbal or public commitment to a sexual relationship is optional and holds no binding meaning.

Since this is a blueprint for a “just” society, not just a “Christian” society, I must show that this ethic is *unjust*, that it oppresses the weak. The sexual revolution has led to a lot of tortured, unhappy people. This oppression is not an accident, but intrinsic to the system.

1) *It is unjust because it allows rich, powerful men to steal the wives of other men, and beautiful, powerful women to steal the husbands of less pretty and powerful women.*

No one who takes an honest look at modern society can deny that there are millions of people with broken hearts whose spouses or sexual partners left them because someone more beautiful, wealthy, or powerful moved in. The cast-off person has no legal recourse for emotional damage, although is one of the most emotionally damaging things that can happen to a person.

Some people ridicule the idea of “emotional damage,” partly because it has been abused in the courts as a way to increase the amount of money awarded to a victim in a civil lawsuit. Nevertheless, emotional damage is real. Many people suffer for years because of the feeling of helplessness, anger, and shame at being cast off by a sexual partner. Sometimes these people resort to revenge, either legally or illegally. Legally, a spouse may try to hurt the other person by an attempt to take all the other’s money in an ugly divorce proceeding. Illegally, sometimes both men and women resort to violence or even murder. Society condemns these acts of revenge, but the cast-off person can be utterly miserable.

Many people have the impression that the Christian ethic thinks of sex as a bad thing. This is far from the truth. The Bible always presents sex as a wonderful and good thing, and not only for the purpose of procreation. For example, the Song of Solomon present a beautiful, and explicit, picture of sexual love. The book of Proverbs says, “May your fountain be blessed, and may you rejoice in the wife of your youth. A loving doe, a graceful deer—may her breasts satisfy you always, may you ever be captivated by her love.”³ The Apostle Paul even goes so far as to say, “For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh. This is a profound mystery— but I am talking about Christ and the church.”⁴ In other words, far from being evil, the sexual relationship is analogous to the intimate relationship of Christ and the church.

The joy of sex is also what makes it so painful to end a sexual relationship. As evangelical psychologist Larry Crabb has written,⁵ we all have a desire to be naked and unashamed, to be known and accepted. The great blessing of sex is that we become completely known to the other person at the deepest levels. This sense of being totally known by another person is wonderful, but it also implies terrible damage when a sexual relationship is broken. To be known intimately is to be vulnerable; to be cast off is to be rejected and

³Proverbs 5:19.

⁴Ephesians 5:31-32.

⁵L. Crabb and D. Allender, *Encouragement: The Key to Caring*, (Zondervan,1990).

betrayed at the deepest level. Some people insulate themselves against the pain by adopting a cavalier attitude toward sex, but they have only cauterized the wound by cutting off all feeling. Television sitcoms present a happy view of people with a cavalier attitude about changing sexual partners, but the reality is much different. Those who are cast off suffer feely.

Historically, American and European society recognized the right of the “cuckold” (the cast off man) to seek revenge. When lawcourts stopped punishing adultery, this revenge was carried out personally by means of duels. When duels became unacceptable, victims of adultery still lashed out in violence. Because the populace still recognized the hurt done to the victim of adultery, juries often acquitted the revenge-seeker when these cases of violence were brought before the law. The legal defense of “temporary insanity,” which many conservatives hate, was made a precedent in American law in the 1800’s by the high-profile trial of a Congressman who killed another man who stolen his wife.⁶ A jury accepted the defense of temporary insanity because they really sympathized with his desire for revenge. Instead of changing the law to view adultery as a crime, the people effectively changed the law to allow acts of rage and revenge against adultery to not be crimes. Eventually, the temporary insanity plea became allowable in other cases, and less acceptable in cases of adultery, though it was still viewed as justifiable in the 1950’s, as illustrated in the movie *Anatomy of a Murder*.

Although many people profess to have a concern for the poor, very few people look at the way the modern sexual ethic gives the rich and powerful complete domination of the poor. It is utter naivete to think that rich and beautiful people never steal the lovers of other people. In any case, as abolitionists argued against slavery, there may be good masters who do not kill their slaves, but the law *allows* them to kill their slaves. In the same way, many rich and beautiful people in our present society do not steal other people’s lovers, but the law *allows* them to— and it does happen.

Some would say that the sexual revolution means we have the freedom to have sex with anyone we want. But we do not have the freedom to have sex with anyone we want—we have the freedom to have sex with anyone we can keep. Instead of creating relationships of security and trust, we have a world of tension and worry over sex, in which no one can ever be sure they can be good enough to keep their lover. If love is a home for the heart, stealing

⁶N. Brandt, *The Congressman Who Got Away with Murder*, (Syracuse University Press, 1993).

homes from the weak is no crime in our society.

2) *It is unjust because it allows men to cast off wives when they are no longer beautiful and take on new, younger women.*

Many people express shock at the ancient practice of polygamy. But we seem to have a blind eye at the practice of “serial polygamy” in our own society. In its essence, polygamy is a way for a powerful man to show that he can have it all by taking as many young women as he chooses. In the ancient form, powerful men took on new young wives, but were required by society to continue to care for the older wives as long as they lived. In our society, we allow the powerful man to take on new, younger wives and to cast out the older wives. Which system is more kind?

Again, it is utter naivete to think that powerful men change wives only because of personality conflicts. Crassly, men prefer the looks of young women and therefore, given the freedom, many men will throw out an older wife for a younger one as soon as the older wife loses the blush of youth. We all know this happens, and many people are angered by it, but there is no recourse in our society for justice against such a man. Instead, we commiserate with the cast-off class of “first wives” but do business as usual with their ex-husbands.

Various studies have shown that after a divorce, the income of the woman typically goes down, most likely because women have stayed out of the job market until after a divorce.⁷ The only way for a women to avoid this is to stay in the job market and pursue her career the whole time she is married. Many women take this approach at the present, but this does not change the fact that many women would prefer to stay at home with their children, especially during their younger years. The present system makes that a risky decision unless she is sure that her husband will honor his marriage vows for his whole life.

Again, many men do honor their marriage vows, but the law *allows* them to cast off their older wives for no reason other than looking old. Our society says that as soon as you lose your power or beauty, you have no right to hold on to your relationships.

3) *It is unjust because it deceives people into thinking that sexual relationships can be easily started and stopped without emotional damage.*

As discussed above, the Bible presents sex as a good thing, beginning with the statement following the union of Adam and Eve, “For this reason a man will leave his father and mother and be united to his wife, and the two

⁷See R. Peterson, *American Sociological Review* **61**, 528 (1996).

will become one flesh.” Besides the aspect of being naked and unashamed, which leads to emotional vulnerability, another blessing of sex, which also can make it damaging, is the bond of union which a sexual relationship creates. Simply put, sex is addictive. This is a good thing because it binds a man and a woman together in a relationship which mere arguments or bad hair days cannot easily break. It can be devastating, however, if a person is sexually addicted to the wrong person or a wrong pattern of sexual behavior. As with any addiction, the person cannot easily change their ways, no matter how bad they feel. The body plays tricks on the mind to convince the mind that certain sexual behavior is good and right, no matter what objective beliefs the person may have. The book, *Of Human Bondage*,⁸ is not a mere fantasy.

The modern sexual ethic presents a picture of sexual relationships as easily begun and ended, with little emotional or physical overhead. If the other person is restraining your individuality, you even have an obligation, according to many counselors, to leave the relationship. But breaking a sexual relationship always leads to an emotional mess.

Selling the notion that sexual relationships are easily started and ended is akin to selling the notion that cigarettes or heroin are easily taken up and then dropped. Deception is an injustice, and like other injustices, deception about addictive behaviors selectively preys on the weak and the poor, those who do not have the education or upbringing to give them the common sense to avoid these things or the family structure to pick up the pieces when a person goes astray.

4) *It is unjust because it puts enormous stress on some men.*

Sex is addictive for both men and women, but men have a very different experience regarding sex. It is well documented that men respond to visual cues much more strongly than women, which is why, for example, pornography addiction is rampant among men but not among women. A man can be sexually aroused by an image of a woman he has never met; a woman tends to be sexually aroused by verbal and relational cues which require knowledge about the man and his character. There are exceptions, of course, but no one can deny that men respond much more strongly to visual cues.

Because of the visual nature of sexual attraction for males, a society which bombards them daily and hourly with sights of scantily clad women constantly drives men to expect sex. The “winners” of society can fulfil

⁸S. Maugham, *Of Human Bondage*, (G.H. Doran 1915; reprinted by Signet Classics, 2007).

this desire in sexual relationships, but many men are “losers,” without the ability to attract women who look like the sexual images they see every day. Many of these men turn to masturbation and pornography, which like any other addiction, can lead into a downward spiral of ever greater time and money spent on the addiction to the exclusion of other responsibilities. Even men who are “winners” can be caught in addiction to their male sexual drive, when the bombardment of images causes them to pursue sexual activity more often or more exciting than their sexual partner will agree to.

It is impossible to miss the business aspect of this. Hollywood and television make billions of dollars by selling sexual images; pornographers make more money on the internet than any other business. As all wealthy classes wish to justify their wealth, Hollywood has developed the sexual ethic that bombarding men with sexual images is not only acceptable, but actually healthy. People who do not engage in sexually provocative behavior are “repressed” and psychologically unhealthy.

While most sexual losers turn to masturbation, some men go further to forcibly rape women. Since the sexual revolution, the incidence of rape, including “date rape” by acquaintances or friends, has risen dramatically. The teachers of the new ethic bemoan this fact, failing to see any connection between encouraging women to dress provocatively, bombarding men with sexual images, and telling them that they should expect sex as often as they want, and having men use force to fulfill those desires stoked in them by society. Essentially, the new ethic expects men to be models of self control and suppression of their desires, able to face constant stimulation but not to act on that stimulation. Who is more repressed, people who refrain from sexual stimulation, or people who are constantly stimulated sexually but force themselves not to act?

The winners of the modern society have sex as often as they like and look down on losers who cannot obtain sex by playing according to the rules of the game. Those who rape are sent to jail and rejected by society. We may have mercy on a poor man who steals because his hunger has led him to steal bread, but we have no mercy on the poor man who rapes because of his unfulfilled desire, which the richest members of society, with the glitz of the entertainment industry, have done their best to stimulate in him.

5) *It is unjust because it makes rape trials into a trial of the woman.*

In the modern ethic, rape is defined as sex without consent. Since sex by its nature occurs behind closed doors, it is nearly impossible to determine whether this consent was given, in most cases. Because of this, a woman who

accuses a man of rape typically finds herself on trial. If the defense can show that there was at least a reasonable possibility that she consented, then the rapist will go free. The defense will therefore do everything it can to argue that the woman was sexually active with other men, gave the man mixed messages, etc. In other words, the defense must argue that she is what used to be called a slut.

As discussed above, “date rape” is on the rise. Typically, a woman on a date may flirt or be friendly. The man may interpret this as a sexual advance. Once he has become aroused, it will require a great effort of self restraint to back off— a degree of self restraint that not all men have. From the woman’s perspective, she may feel confused how to convey friendliness without inviting sexual attack.

In the Christian ethic, consent is well defined. A person gives consent by making a public marriage vow. Any sexual activity outside of that relationship is immoral. If a woman consents to sex outside of marriage, she is guilty, but whether she does or not, the man is always guilty—he is either guilty of adultery or rape. There is therefore no interest for his defense to put the woman’s motives on trial.

6) *It is unjust because it creates a class of women in dehumanizing sexual roles.*

While some men who are losers in the sexual competition of the modern ethic turn to masturbation, or rape, others turn to prostitutes. The modern sexual ethic says that there is nothing wrong with this, as long as the prostitute has voluntarily chosen her trade.

In Amsterdam, which vaunts itself as the most sexually free place on earth, prostitutes sit behind glass windows displaying their bodies, with prices labeled below. Is this a great triumph of freedom of the human soul? Or is it a tragedy of humans treated not only as cattle but as products in a market? Is it any less tragic if the women involved do it voluntarily? If a black man volunteered to be led about in chains and whipped, would this be a triumph of freedom or a tragedy of how a person can be brainwashed?

It has been said that prostitution is the oldest profession on earth. It would be naive to think that in any society, prostitution will disappear, any more than rape or adultery. But a society which celebrates all types of consensual sex and bombards men with sexual images will have ever more and more prostitution. Where there is a demand, there will be a supply.

As discussed above, the new sexual ethic involves a deception upon the poor and weak. Poor women are told that they can engage in prostitution

without any emotional damage or dehumanization. Anyone familiar with real prostitutes knows how far that is from the truth. Prostitutes in the modern world are enslaved as much as any slave in history. Not only that, but in many countries, there are prostitutes who are real slaves, unable to escape from the masters, held for the pleasure of visiting men from Western countries.

7) *It is unjust because it damages children.*

As discussed above, divorce is damaging even if there are no children involved. It is doubly destructive when there are. It is almost unnecessary to enumerate the difficulties faced by children of divorced parents. The sense of betrayal and lack of trust, the feeling of divided loyalties, the hardship of growing up without a father, and the need to change homes frequently all lead to emotional damage. In our society we have a myth of the amicable divorce, in which divorced parents happily share the responsibilities for their children, but this rarely happens. If a woman has been cast off by a man for not looking good enough, how is she to speak well of that man to the children without lying? If love is a passing thing that can come or go, and when it goes, the relationship must end, then how shall the parents convince a child that their love for the child will never end?

At one time, parents often stayed together “for the sake of the children,” even if they felt that the love had gone out of their marriage. Those who follow the new ethic mock this, saying that the most important thing in life is self-development, and therefore if a marriage limits a person’s sense of self actualization, it must be ended no matter what the consequences. The theory is that an unloving or restrictive marriage is worse for all involved, including the children, than a divorce. There is little evidence for this view. Children thrive on stability and suffer when the family is unstable, when they cannot be certain of who their family is. Parents who fight in front of the children but remain committed to each other still provide a type of stability.

In general, men are more likely to walk out on their children than women. The present law requires them to support the children financially, but offers no penalty for not being there to provide support for the family in a hundred other ways. In a sense, the present system reduces the role of the father to a mere paycheck—the father is optional in the modern family. As a result, many fathers take that view themselves, and drop out of the other responsibilities of parenting.

Many studies have documented the “cycle of poverty”—a child growing up in a broken home will tend to view divorce and multiple sexual partners as

normal.⁹ Without a strong father around, teenage boys roam the streets with no idea of anything better to do than self indulgence, and grow into men who feel little responsibility for the upbringing of their children. In almost every study, children with two parents do better both in education and income. Yet the modern ethic says that society has no interest in discouraging divorce.

The modern ethic also damages children by denying them the innocence of childhood without sex. Children growing up in modern society see that there are winners and losers, and the winners are those who are sexually attractive enough to keep their partners. Therefore, children effectively learn to practice winning the game at an early age. Seven-year old girls emulate prostitutes they see in movies. A woman once told me that when she was eleven years old, she felt no desire for boys, and so she concluded she must be a lesbian, How many young children have been pressed into feeling something is wrong if they feel no sexual desire? Twelve-year-old boys feel they must score triumphs as early as possible or risk being rejected as not “real men.” Previous generations would see us as sick and twisted for pressing our children into this.

8) *It is unjust because it forces women into a choice between killing their own offspring or being rejected by society.*

No method of birth control is 100% effective. For this reason, the sexual revolution and abortion rights go hand in hand. With millions of sexually promiscuous people, there will be millions of unwanted pregnancies. Abortion solves this problem by disposing of the babies out of sight.

Anyone who has worked in a pregnancy counseling center knows that most women who get abortions feel pressured into their choice, a far cry from the modern myth of an empowered woman making a free choice. First of all, the father of the child brings pressure on her. Our society requires a man to be financially responsible for the children he has fathered. Is it hard to imagine, then, that he will bring enormous pressure to bear on the woman to abort the child, thereby freeing him of his financial responsibility? He can manipulate (“if you love me, you will do it...”) or threaten. In a few recent well-publicized cases, men have killed women who refused to get an abortion.¹⁰

Not only the man, but also the family of the woman exert enormous

⁹See, e.g., P. Fagan and R. Rector, “The Effects of Divorce on America,” (Heritage Foundation, 2000).

¹⁰See <http://www.theunchoice.com/forcedabortion.htm>.

pressure to get an abortion. In some cases, the reason is to cover up the shame of incest or pedophilia. In other cases, the family simply does not want the burden of caring for a baby. The family has tremendous influence on a young girl's decisions. As discussed in Section 7.1, the idea of free choices being made in the absence of outside influence is a fiction. Just as cigarette manufacturers exploit advertising to make money from cigarettes, families exert a powerful influence over the decisions of pregnant women for their own self interest. Very few people, especially in a state of increased hormonal activity, can resist the nagging and manipulation that a mother and family can bring to bear day after day.

Again, some may dispute how often this happens, but it remains a fact that it can happen. The law favors those who want to pressure a woman into an abortion, because it says that abortion has no consequences. If there were bad consequences, the law would require a warning, as with any other medical procedure with risks. Yet many women are emotionally damaged by abortion. Some anti-abortion activists have concentrated on the medical risks associated with abortion, but these may ultimately be no greater than other medical procedures (although some have argued that because a woman's body goes to great lengths to protect the baby, the women must suffer greater physical damage in breaking through these defenses.) Even if abortion does not have great physical risks, however, we cannot discount emotional damage as real. Women normally grieve over a miscarriage. Yet when a woman has an induced miscarriage, we do not allow her to grieve. Instead, we tell her to rejoice because her problem is solved. Once again, the modern society demands that people repress their feelings, when it claims to be against repression.

Some women do indeed choose abortion without pressure from others, because they do not want a child to interfere with a chosen career path. Just as the modern ethic teaches that marriage must be sacrificed if it interferes with self development, so also children must be sacrificed. We are not a society without shame. While our parents shamed a woman who had a child out of wedlock, we now shame an intelligent woman who does not follow an upwardly mobile career path.

Even if one does not believe that an unborn baby is a human with rights, one can recognize that the women themselves are oppressed by abortion. Instead of feeling a responsibility to help the poor and weak with a child, we feel we can solve the problem (which is really *our* problem, since we don't want to feel obligated to help in the life of child) by a quick fix of an abortion.

Helping the poor has been replaced by helping destroy the children of the poor.

Although the sexual revolution has been couched in terms of the feminist movement and empowering women, it actually has its roots in the High Hefner generation of the 1950's—rich, powerful men who wanted to be able to have it all. It is hard to imagine a society which could be better for a male chauvinist. Young women are convinced that they must make themselves easily available for sex. Even if a woman doesn't consent, he can force her into sex and she will have great difficulty in proving it was rape. When a man grows tired of one woman, he can easily cast her aside and take on a new, prettier one. If he is powerful he is free to try to steal the lover of another man. If he gets a woman pregnant, he can pressure her into an abortion so that he has no responsibilities. This is the empowerment of women in our society.

Some people on both the right and left have focused on disease and unwanted pregnancies as the primary evils of the sexual revolution. But if we could imagine a world in which all sexually transmitted diseases were cured, and birth control was 100% effective, would the modern sexual ethic be justified? As we have seen in all the above cases, the modern ethic leads to real emotional damage in a world of constant competition for sexual relationships, fear of those more powerful or beautiful stealing one's lovers, lack of anyone else feeling responsibility for my problems, and classes of people outcast as losers in the sexual free-for-all. It is an unjust ethic, and the Christian argues for sexual restraints on the basis of justice, not prudishness.

7.3 Marriage and the Family

What role government can play in solving the problems of the unjust sexual ethic? The libertarian says that it can play no role; Christians argue that government can play a limited role. One of these roles is in establishing the institution of marriage.

The first question which must be addressed is whether a society has any interest in establishing the family as the primary way in which children are raised. Throughout history, philosophers have toyed with the idea of doing away with the family. In various proposals, children would be raised by state-run agencies which would follow official procedures established by scientific studies, instead of the whims of individual parents. In our modern society,

we are not far from this. Leaders call increasingly for schooling of children at earlier ages, starting with day care when the child is a few months old, Head Start, and early Kindergarten. School days get longer with more and more afterschool activities, until the parental home becomes merely a sleeping place for many children. The state assumes primary responsibility for the children (indeed, in some countries, this is stated explicitly) and parents who do not parent properly have their children taken away promptly. Such a system decouples sex from family and childbearing. Sex becomes a recreational activity, while raising children becomes the province of governmental agencies.

What makes us think that a disinterested bureaucrat will do a better job at raising children than the parents? We hear of stories of child abuse by parents, but we also hear stories of day care workers, teachers, etc., abusing children, and such workers have much greater potential to harm since they interact with many more children. The family structure puts in charge of the children the people most likely to have an interest in seeing the child do well, those who are biologically related or who have made a deliberate legal adoption. It also puts in charge of the children people who will never leave; teachers and bureaucrats move on. This stability of relationships for children is crucial for their well-being.

Marriage is not only about children, however. As discussed in Section 7.2, one of the roles of marriage is emotional security and stability: a married person can have the confidence that the person to whom they are most intimately exposed will not leave them. This is as important for an adult as for a child.

In this regard, one of the most fundamental issues of marriage is the question of how a society treats vows. Many economists have documented the importance of the rule of law in upholding business contracts. In a society in which no one's word can be trusted, no one will be willing to invest their economic resources for fear of losing them. In the same way, in a society in which sexual commitments mean nothing, no one will be willing to invest the emotional capital needed to have a long-term relationship. Sexual relationships will resemble the marketing of trinkets in a third world economy in which no long-lasting endeavors can be started.

If there are no penalties for breaking a vow, the vows are meaningless. We therefore must discuss the question of a penalty for adultery. The Old Testament prescribed the death penalty for adultery, but this shocks most people, even though, as discussed above, many of those cast aside by adul-

terers have lain awake at night dreaming of the death penalty for those who betrayed them. As discussed in Sections 1.2 and 4.2.3, Jesus upheld the entire Law of Moses and did not preach that this penalty was unjust. But in a Christian society not bound by the covenant of Moses, very few Christians want to see a return to the death penalty for adultery. Many people have seen adulterers reconciled to their spouses. This does not mean that there must be no penalty at all for adultery, however. This does not rule out the possibility of forgiveness and reconciliation. As discussed in Section 4.2.4, no victim can ever be justly required to forgive, but in the same way, if the victim of adultery chooses to forgive, the state has no interest in stepping in to enforce a penalty.

Several conditions apply. First, any penalty for adultery must apply to both the man and the woman involved. To only punish one person is manifestly unjust, yet throughout the ages societies have shunned women who were pregnant out of wedlock, because the effects are obvious, but treated philanderers who don't get caught as heroes, so-called "macho" men. Christian society in the English-speaking world was one of the few societies in history ever to shame men who were sexually promiscuous to anywhere near the same degree as sexually promiscuous women.

What if one person refuses to name the other, as in *The Scarlet Letter*,¹¹ or there is no proof of who the other person is? This question only arises if one assumes that pregnancy is evidence for adultery after the fact. If two people are found *in flagrante* or openly talking of their adultery, it is not an issue.

There are several reasons not to use pregnancy as evidence of adultery. First, the woman may have been raped, or may have become pregnant through indirect involuntary contact, and may not want to say in public the circumstances. Second, such a policy implies that if she ends the pregnancy (has an abortion) she will suffer no shame; all that is shameful is pregnancy. A Christian society should say that there is no shame in pregnancy, but rather there is shame in sex without commitment, whether or not it leads to pregnancy, as there is shame in being a drug addict, whether or not one loses one's health.

Another principle is that, like any punishment, there should be resolution. As discussed in Section 4.2.3, imprisonment dehumanizes the criminal and

¹¹N. Hawthorne, *The Scarlet Letter*, (Ticknor, Reed, and Fields, 1850; reprinted by Penguin Classics, 2002).

is nowhere endorsed by the Bible. In the same way, lifelong shaming, as in *The Scarlet Letter*, is contrary to the spirit of the Bible that a punishment pays for the sin and allows the punished person to move on. What would be appropriate, then? Public flogging? Why not? As discussed above, most victims of adultery secretly dream of such a penalty for the crime of ripping their hearts out. Our reaction against such a penalty only indicates that we do not take seriously the emotional damage done to the betrayed person; their pain is nothing like a flogging, surely! Other penalties might include time spent in community service and loss of a position of authority, if the person has such a position. Vowbreaking of any type is equivalent to perjury and deserves similar punishments.

Some writers have said that the severe penalty for adultery in the Old Testament comes from a view of women as property. This is incorrect. Recall from Section 4.2.3 that property crimes in the Old Testament were treated lightly, far more lightly than in our own society. If women were viewed as property, then the appropriate penalty for stealing a woman would be perhaps to get two women back. But that is not the perspective of the Old Testament. Adultery was taken seriously for the same reason that rape and murder were taken seriously, as a crime against a person. Like rape, adultery violates a person's inward soul.

Divorce is treated differently from adultery in the Bible. As Jesus said, divorce was allowed, though not encouraged, because of the "hardness of your hearts."¹² The Law of Moses is not utopian; it assumes that sexual sins will happen and talks about how to deal with these things. Divorce is allowed in the Bible only rarely. Jesus gave only one case under which divorce could be allowed under the Law of Moses, namely when the other person had committed sexual immorality¹³ (the fact that this is the case shows that adultery was not *always* punished by death, even under the law of Moses.) The Apostle Paul adds another commonsense case for legitimate divorce, namely the case of abandonment.¹⁴ Most evangelicals would add physical abuse, i.e., actual harm, as effectively abandonment, as violation of the marriage vows. In all these cases, at least one of the divorced persons is at fault; there is no "no-fault" divorce.

Such statements seem hard-hearted to people who feel they are trapped in

¹²Matthew 19:8.

¹³Matthew 19:9.

¹⁴1 Corinthians 7:15.

marriages with much anger and anguish. Yet even pragmatic secular studies have shown that the anguish does not usually decrease after a divorce;¹⁵ a divorce simply changes one set of anguishing problems for another set of equally anguishing problems. Many evangelical Christian marriage counselors would prescribe a physical separation in extreme cases of mental anguish, but would say that in such cases there still need not be a divorce.

Could the state recognize time-limited vows? Such have actually been proposed: semi-marriages in which a person promises to be faithful for, say, five years, after which the relationship is ended. Setting aside whether anyone would be willing to marry under such unromantic conditions, the main problem with such an arrangement is the addictive nature of the sexual relationship, discussed in Section 7.2. A vow to have a marriage for five years is like a vow to do heroin for exactly five years and no longer: no matter what your intentions, there will still be pain afterwards when the bond is broken.

What about polygamy? This is treated in the Old Testament essentially the same as divorce: a tolerated evil. The pattern taught by the Bible is clearly one man and one woman, but due to “hardness of heart” both divorce and polygamy were permitted. Polygamy could in many ways be more tolerable for a woman in that day than divorce. Even today, a woman who is cast off by her husband usually has a worse financial situation; in those days a divorced woman without husband or adult children to support her could find herself in disastrous conditions and near-starvation. Our present system of multiple divorces has been called “serial polygamy.” In each case, a powerful and wealthy man is allowed to add to himself multiple young women, or as they are called today, “trophy wives,” but in our present system he feels no sense of obligation to his former wives, unlike the polygamist who continued to support them. In our modern society, no Christian anywhere wants the legalization of polygamy, but it ought be no more shocking to us than easy divorce; it makes no sense to proclaim moral outrage at traditional polygamy while tolerating serial polygamy.

Premarital sex is not treated the same as adultery in the Bible. No vow has been broken, but the addictiveness of sexual relationships means that the two people cannot easily walk away from each other without either pain or searing (and hardening) of the heart—no matter how easy the popular media

¹⁵E.g., N. Melgar and R. Maximo, *American Journal of Economics and Sociology* **71**, 354 (2012); J.C. Overholser, A. Braden, and L. Dieter, *Journal of Clinical Psychology* **68**, 349 (2012).

may make it seem. The traditional morality, based on the law of Moses,¹⁶ is that the man is morally obligated to offer to marry the woman. The woman is not obligated to marry the man, but if she does not, the man is still morally obligated to pay support to her. It is debatable whether the government ought to be involved in such things, or whether it should simply be the honor code of the land. Certainly if there is a child from the relationship, the US government currently enforces the requirement of paternity support, and this is just. If there is no child, the government could be caught up in a myriad of who-seduced-who cases if voluntary sexual relations made a legal obligation of financial support. But as discussed in Section 7.2, the society has an interest in not having a free-sex culture with the consequent injustices and burned-out souls.

Like polygamy and divorce, prostitution was tolerated in the Law of Moses though never approved of.¹⁷ Of course, visiting prostitutes while married counted as adultery. Unmarried people engaging in prostitution or visiting prostitutes was viewed more like begging, as a legal but degrading state. A state has an interest in regulating or deterring both prostitution and begging, but with mercy to those who find themselves in such states, giving them alternatives instead of merely herding them out of sight.

7.4 Homosexuality and Sexual Identity

The issue of homosexuality must be treated separately from adultery, casual sex and prostitution. Many homosexuals would agree with the list of injustices in Section 7.2, but would not see homosexual relations as contributing to them. If homosexual couples have stable marriages, are not promiscuous, do not have children, or adopt children and stay with them, then it can be argued that they are not directly contributing to the breakdown of the family or the other ills discussed above.

We must first be clear what we are talking about. We are not talking about men who like traditionally feminine jobs such as cooking or designing clothes. We are not talking about women who act tough, or men who are weak and speak with a lisp. All of these things are matters of cultural

¹⁶Exodus 22:16-17.

¹⁷“Do not profane your daughter by making her a prostitute, lest the land fall into prostitution and the land become full of depravity.”¹⁸ There is no penalty for prostitution attached to this prohibition.

opinion. We are also not talking about men who feel strong feelings of love for other men, or women who feel the same way toward other women. Many cultures, including the ancient Hebrew and Roman cultures of the Bible, celebrated love between two men. David and Jonathan “loved” each other, Jesus “loved” the apostle John, and St. Augustine wrote at length of his love for another man, even while he was happily married. Modern readers are so steeped in their modern sexual ethic that they assume such relationships must have been sexual, but there is no evidence for this. Rather, we of the modern age are truncated in our relationships because we cannot imagine being extremely close to another person without sex.

What we are talking about is engaging one’s sexual organs with another person of the same sex. The modern sexual ethic says that this is normal and an inborn nature for many people. Further, it says that we are unjust if we forbid such activity, or even if we fail to celebrate it as normal.

To understand how most Christians view this, one can think of various activities known as fetishes, such as sexual attraction to animals, sexual attraction to inanimate objects, necrophilia, or eating excrement or vomit. Most evangelical Christians would not condemn such people, or hate them, but would pity them. The same applies to homosexuals. Evangelical Christians do not fear homosexuals (as implied by the phrase “homophobic”) or hate them. Instead, they pity them as people whose natural desires have gone far astray.

Homosexuals will react against such comparisons as an insult. How dare we compare homosexual activities to such degrading practices! But by the homosexual’s own ethic, why should anyone react against such comparisons? On what moral basis can a homosexual argue that such things are much worse than homosexuality? Because such activities are not normal? By whose definition? Many people also think inserting a sexual organ into a digestive tract is not normal. Because such activities are not natural? Many animals eat excrement or attempt to mate with inanimate objects, just as many animals engage in homosexual acts. Do such fetishes indicate mental problems? Medical authorities used to view homosexual acts as a mental problem, too. Because such fetishes are just disgusting? Many people are also disgusted by homosexual acts. Because some fetish activities are unhealthy? Homosexual acts also have a major health risk in AIDS. It seems impossible to define an ethic in any absolute terms in which homosexual acts are obviously okay but the above type of fetishes are obviously wrong.

The main argument of the modern sexual ethic to distinguish homosex-

uality from the fetishes listed above is that homosexuals feel an inborn, genetically programmed, desire to perform their acts. This is much debated, but we cannot rule out the possibility that it is true. But even if it is true, how does it change things? Suppose that we found that some people feel an inborn, genetically programmed desire to necrophilia? Would we then treat such as normal, or view it as a genetic defect? We already know that some people are genetically predisposed to alcoholism, but we view this as a problem to be overcome, not a condition to be celebrated.

Where Christians often feel anger is when some people want to present to the public, and to children in particular, that such things are normal. This is the issue with gay marriage: official marriage codifies that the behavior is normal. A person who eats excrement may be pitied if he does it at home in secret; if he writes books for young children encouraging them to do the same, he is cruel. Some people will imitate him, if he is persuasive enough. As discussed above, if we allow a general right of self destruction, there will always be salesmen to promote it and profit from it. Eating excrement can probably be practiced without physical self destruction. Promoting it as normal, however, would constitute the same type of injustice as promoting voluntary prostitution or voluntary slavery as normal. As discussed in Section 7.2, in principle, a black person (or any person) could voluntarily wear chains and act as a slave, allowing himself or herself to be beaten, etc. A society which promotes self-degradation as a normal lifestyle, however, is an oppressive society.

The rejection of homosexuality in the biblical ethic can not be based on its sterility. This line of argument has been promoted by the Roman Catholic church, but as correctly pointed out by many homosexual activists, it also condemns childless heterosexual couples and those who chose not to marry at all. Rather, opposition to normalization of homosexuality comes fundamentally from the fact that homosexual acts involve sexual organs engaging in things they were not designed to do, and enlightened philosophy will not change that. There is a sense in which saying that two men can have a sexual relation together is like saying that $2 + 2 = 5$. The same applies to transgendered individuals, which amounts to calling a man a woman, or vice versa.

This issue involves the very deep issue of what constitutes the “identity” of a person. The modern embracing of transgendered and homosexual identities, as well as many other sexual identities, is fundamentally based on a Platonic view that the mind and body are wholly distinct. Thus the mind

can have a sexual identity different from the physical sexual organs. Some of the modern ethic would say that they embrace the physical, but view it as detached from the mind, possibly due to a genetic mixup. The Christian view is fundamentally based on incarnational theology, that God himself created the physical as good and embraced it fully in himself in the Incarnation of Jesus in the flesh. Thus, the physical, while it is not to dominate and control us, is good and we are to embrace its totality as part of our identity. This means embracing the sexual identity of our actual sexual organs. The existence of a tiny number of sexually mixed physical bodies (hermaphrodites) does not change the general fact that people have physical sexual identities.

Christians affirm that homosexual acts are not in a class by themselves to be especially condemned. The Bible typically gives lists of sins in which homosexuality is one of many, and in the same breath condemns things such as adultery, greed, lying, and fits of anger.¹⁹ Here, homosexuals have a legitimate claim to injustice, in that their sin is easy to attack since so few practice it. Do we wink at adultery or sexual promiscuity among heterosexuals? Christians must present a seamless sexual ethic that calls us all to recognize that all of us, heterosexual or homosexual, cannot act on all our desires, even if they are very deep. Concern about normalizing homosexuality should be balanced with concerns such as deterring easy divorce and rushing young children into sexuality.

But homosexuals and others must also recognize their own temptation to condemn those even further down in the pecking order. Our society, including many homosexuals, condemns pedophiles and rapists, but those people would say that they also have extremely deep desires to do their actions, which cannot be simply changed. Homosexuals often say that no one would “choose” to be a homosexual, but the same goes with pedophiles and rapists—who would choose the lifestyle of the pedophile, on the run from society and condemned by all? Yet many pedophiles do feel they must do it. “The heart is deceitful above all things, and desperately sick; who can understand it?”²⁰

In general, there is a continuum of misdirected sexual desires, including fantasies, masturbation, adultery, homosexuality, prostitution, and pedophilia and rape, and every person lies somewhere on that continuum. A just society must draw lines for what will be illegal, what will be tolerated

¹⁹E.g. 1 Corinthians 5:11, 6:9, 1 Timothy 1:10, 2 Peter 2:14.

²⁰Jeremiah 17:9.

but not celebrated, and what will be presented as normal. As discussed in Chapter 3, some sins must be tolerated, because the alternative is to have an ever-intrusive government with no limits. But the drawing of lines is not by itself unjust. Some would argue that the line should be drawn at the point of consent; that only sexual acts forced on others should be illegal. But as discussed in Section 7.1, presenting abnormal or self-destructive behaviors as normal allows those activities to be “sold” to others to draw them in, and those least able to make well-informed choices, such as children, will be selectively more likely to be drawn to them without knowing their full consequences.

7.5 Abortion and Human Life

With the advent of modern medical techniques, a whole host of ethical questions have arisen regarding human life, including cloning, ownership of embryos, and abortion. Many ethical approaches focus on whether and when the embryo has consciousness or a soul.

In general, the pro-life movement presents pictures of unborn babies which are well developed and look like babies, as a way of stirring up a sense that they are human and deserve our protection. The problem with this approach is that it encourages us to equate human appearance with human rights. This has two consequences. First, it seems to imply that embryos at early stages, which do not look like babies yet, have no claim to protection. Second, it encourages people to see pictures of animals such as monkeys as conveying the same message.

The essential ethic of the Bible regarding these issues is that human life is distinct from all animal life. In other words, human life is “holy.” If we grasp this point, the confusing issue of “when does an embryo become a person?” becomes moot. Asking that question assumes that if the embryo is not yet a “person,” then we can destroy it. But if we believe that human life is holy at all stages, we will not want to treat embryos disrespectfully, just as we do not want to desecrate dead human bodies. It is not an issue of embryo’s rights, any more than of corpse’s rights. It is going out of our way to affirm the holiness of human life and to respect it.

There are many vague issues involved, which will only grow more complicated as technology evolves. A just standard, however, is to apply the same rules at the beginning of life that we do at the end. Is lack of brain activity a

sign of death? Then beginning of brain activity should be a sign of the start of life. Is a lack of pulse a sign of death? Then the start of the heartbeat is a sign of life. Is the decay of the cells, and loss of DNA integrity, a sign of death? Then the growth of cells, and uniqueness of DNA, should be a sign of life.

Without trying to answer every ethical question on the issue of when life begins, or when it stops, we can in general adopt the “culture of life” ethic taught by many Christian ethicists says that we should err on the side of life—there does come a time when we must say a human is dead, or must die, but if there is any reasonable doubt, we must err on the side of life. The fundamental reason for this is respect for the holiness of human life, that humans at all stages are not like animals, to be dissected and thrown out at will. This, in turn, comes from the special role of humans as “image bearers” with the special imprint of God himself.²¹

As discussed in Section 7.1, the “right to abortion” and the “right to die” imply the right to *sell* these things: clinics may make abortion seem quick and easy, doctors may make suicide seem like the right choice, because it may save limited medical resources. Not only those with a profit motive may sell these things. Family members often pressure women into abortion, or old people into suicide, because of the burden they feel. At root, this comes from the individualism of western society: a woman’s baby, or family’s elderly grandmother, is not my problem, it is their problem. The core of the solution, then, must come from society helping others to cope with difficult burdens. This need not be a government program. The large number of privately-funded “crisis pregnancy centers” in the US is an admirable effort along these lines to offer real help to women who do not abort their babies, not only during pregnancy but after. Many churches also offer support groups for young mothers. Are we doing as much to help at the other end of life, to help people not have to face awful decisions about committing suicide or pulling the plug prematurely in old age?

The deeper problem with abortion, however, is not just that there are women who need help taking care of babies. Abortion lies at the core of the sexual revolution. Those who led the sexual revolution knew that it relied on legal abortion. No form of contraception is 100% effective, and so if people are to have free sex without consequence, they must be able to remove the consequences after the fact if necessary. Those who feel the most that

²¹Genesis 1:27, 9:5-6.

they are heroes saving women from the slavery of unwanted pregnancy work from the assumption that sex just happens, and that it is naive to try to deter premarital sex, and therefore many women will be getting pregnant no matter what we do. This is simply falsified by the fact that many cultures exist and have existed in which the rate of premarital sex is or was far below the present rates.

But the Christian view is not a utopian one in which no one ever has a baby that they cannot adequately support. Even if rates of premarital sex were well below present rates, there would always be some unwanted pregnancies. The question is what to do with those. There will always be beggars and the poor, also, but that does not warrant us to kill them off.

The primary way in which Christians have cared to unwanted babies has been through adoption. Many people reject this because modern culture presents adoption as shameful in many ways; for example, biological parents are called the “real” parents, children are described as being “put up” for adoption the way a slave might be “put up” for sale,²² and parents keep their children’s adoption a secret. By contrast, the Christian view of adoption is entirely positive. Theologically, all Christians are viewed as the adopted children of God, and as such, are his “real” children, with an inheritance awaiting them.²³ The vow of adoption, like the marriage vow, creates a legally bonded state, with all the rights and bonds of a biological birth.

Reducing abortions therefore to a great degree requires changing attitudes about adoption. While it would be utopian to imagine that a society can be created where no unwanted pregnancies occur, it is not utopian to imagine that a society can be created in which placing a child for adoption is not viewed as shameful, but rather as a blessing to that child.

And this is the problem facing Christians. To be pro-life today is unpopular because it means striking at core assumptions of the whole structure of society. In the same way, Christians who opposed chattel slavery in the 1700’s and 1800’s seemed highly unrealistic, because the entire economy depended on slavery. Not only that, anything so embedded in the structure of society will have powerful people defending it, and those powerful people will have the money to mount sophisticated public-relations campaigns (which can involve whispering campaigns, key public figures, comedians, etc.) to make those who oppose them look stupid. This leads to a general observation

²²Many adoption agencies advocate using the language of “placing” a child for adoption.

²³Romans 8:15, 8:23, Galatians 4:5, Ephesians 1:5.

about Christian political activity: either a) Christians will not oppose any powerful people in society, and will only pick on weak people, or b) they will face powerful campaigns to make them look stupid. If they choose strategy (a), they have favored the rich and will be condemned by later generations, the way we presently condemn Christians in the US who did not work against slavery. If they take strategy (b), they must deal with having a bad image in the world. Many Christians have abandoned pro-life activity in recent years because they feel it leads to a bad image that will hinder evangelism, but working for justice always will lead to a bad image unless you choose easy targets, such as human traffickers, with no real political power. Working for justice will always alienate some people. This does not contradict the message of grace to sinners. The general rule for Christians is that followed by Jesus: to lift up the weak and to tear down the powerful sinner. Sometimes that power comes from money, and sometimes it comes from the consensus of a society which wants its own comfort and pleasure. If a sinner knows he is a sinner, we must present the message of grace, but if people promote evil as good, we must confront them.

Because of the competing views and counter-propaganda on the subjects of abortion and euthanasia, many people fail to see these as justice issues. They see them instead as “imposing morality” on morally neutral acts onto others. As discussed at the beginning of this chapter, it is incumbent on Christians to persuade others of the justice issues in their positions. In the cases of abortion and euthanasia, clearly a justice issue is the killing of the defenseless (as opposed to the killing of those who have been found guilty by legitimate judges). But this may be cast into doubt by questioning whether embryos, catatonic people, etc., are really people. The holiness language discussed above in this section raises a justice issue even in cases where we are unsure whether a living human is involved. This is the issue of “dehumanization.” A society in which human bodies, even dead ones or embryonic ones, are lightly destroyed, is one in which people are trained to think little of human life in general. A reverence for the human organism at all stages raises the respect of all people for others, and disregard for human life leads to coarsened attitudes toward others; where life is held cheaply, murder and crime increase. A dehumanized society is an unjust society because the actors in the justice story do not even exist: humans with high and holy value.

7.6 Pornography and Freedom of Speech

The issue of dehumanization raised in the previous section arises in many contexts. In the past few decades, the issues of dehumanizing images in pornography have become overwhelming.

One reason why Christians have made little progress on these issues is because they have been judged to be issues of free speech. On their face, these types of images do have some connection to speech. The essence of speech is communication, and communication can occur in many ways—a single image such as Goya’s painting the death of peasants can be extremely powerful communication.

But it is dishonest to speak of these images only as speech, without reference to their strongly addictive nature. As discussed in Section 7.2, sexual stimulation in all its forms is highly addictive. In some ways, sexual addiction is more insidious than addictive drugs. A drug user is addicted to something external which can be removed, but a sexual addict is addicted to chemicals produced by his or her own body. Addiction in this sense is defined as a condition in which a person engages in an activity to his own hurt compulsively, even knowing it is to his own hurt. Many sexual addicts lose jobs, relationships, spend as much money as gamblers, and fall into a downward spiral with the same characteristics of drugs addicts: needing ever greater stimulation to get the same high, and crossing into other addictions.

At present it is estimated that at least 25% of adults in the US are addicted to pornography. Like China during its period of opium addiction, the US is crumbling under a wave of addiction but seems powerless to stop it. It can also be argued that violent images can be addictive. Many “gamers” are effectively addicted to video games with extremely violent images. In this case they are addicted to the adrenalin rush that comes from the basic instinct of fight and flight.

There are two reasons why this is a problem. On one hand, as discussed in Section 7.1, some addictions are so self-destructive that society has an obligation to rescue people from activities which lead to this downward spiral. If we do not, we leave people to be the prey of the salesman: the pornographers and the film/game producers who know very well how to draw people in little by little until they are hooked.

The other side, however, is the intrinsic dehumanization involved in viewing these images, even if the one viewing them is not addicted. People do not view pornography and violence the same way that they view art. In some

sense, users “consume” these images, and vicariously “consume” the people in the images. In this they are trained to see others as less than human, as objects of consumption.

Pornography is not wrong because there is something intrinsically shameful about the naked human body. In general, Christians agree that viewing the naked human body is not intrinsically evil. Some past schools of thought in Christianity did abhor the body altogether, creating a false dichotomy between the mind and the body of a person, but even in the most conservative evangelical circles today, the human body is celebrated as a good thing, and this is supported by the Bible which presents Adam and Eve as naked and yet without shame or sin.²⁴ However, Christians recognize that the naked human body is intensely personal, and viewing it can often be a precursor to sex, inflaming sexual desire. As discussed above, we are physically wired to have physical reactions to what we see.

Because the naked human body is not intrinsically shameful, Christians generally agree that there are times when images of the naked human body are appropriate, for example in medical classes, in documentary evidence in science and law, and in some cases in works of art. We must be careful, however, not to justify something that is essentially pornographic just because it comes in a gilt frame or in black-and-white photography. In many cases, the distinction between art and pornography could rather be called a distinction between upper-class pornography and lower-class pornography. Do we really think that all the males of the upper classes in past centuries were not sexually stimulated by the images and statues of naked bodies they called art? The rediscovery of naked bodies in art in the West was begun by a rediscovery in Europe of the naked statues of the ancient Greek and Roman worlds. We should remember that these naked statues and images were originally created by the Greeks and Romans as *idols*, objects designed to magnetically draw a person to gaze on in worship.

Because we cannot just say all naked pictures are pornography, the definition of exactly what counts as pornography requires judges and judgment calls. As we have seen in many cases discussed in this book, judges and judgment calls are unavoidable in a just legal system, and we should never feel pressed to define all justice in such a way that a computer code could execute it. A just society needs a set of judges to decide when images have crossed the line from reasonable communication to dehumanization that leads us to con-

²⁴Genesis 2:25.

sume and become vulnerable to addiction. As discussed in Section 7.1, the same type of judgment call must take place to draw the line between highly addictive drugs and ones which merely cause less-than-optimal health, and between suicidal behavior and merely risky behavior. The fact that these boundaries are ill defined cannot be used as an argument against drawing any line at all. If we can have panels which judge good art from bad art, giving awards to some and not others, we can have panels that draw the line between what is art and what is dehumanizing consumption of other people.

7.7 Legal Distinction between Male and Female

One of the fears that many people have of Christian involvement in politics is that Christians will want to take culture back to the days when women had many fewer rights than men. Their fears are not without basis. There was a time when husbands could beat their wives without penalty and when men could commit adultery freely but their wives had little choice other than to put up with it, since a divorced women had little economic security. But Christians led the movement to undo these injustices, starting in the 1800's, and led the movement to give women the right to vote in the 1900's. Although some other members of Christian churches opposed them, these suffragist Christians had full biblical warrant. In fact, it is accurate to say that the Bible itself sparked this movement in the West, and that no non-Christian society anywhere in the world gave rights and protections to women in any way near to the level of Western societies until after Western culture had come to influence those other cultures. It is also accurate to say that the Enlightenment in the West was not the cause of this increase of women's rights. The Enlightenment of the 1700's, with its strong emphasis on intellectual acumen, actually led men to question whether women had souls in the same way as men, since women were viewed as clearly intellectually inferior.

An increased valuing of women came from the Bible because the Bible, unlike the founding teachings of other major religions, clearly teaches that men and women are equal in intrinsic value in God's eyes. In the first chapter of the Bible, Genesis 1:27 teaches that both men and women are made in the "image of God." This phrase means to Christians that both men and women share something of God's own intrinsic nature, and as such, are highly

valued by him. In the New Testament, Galatians 3:28 teaches that “there is neither male nor female,” which Christians take to mean not that there is no difference between men and women, but that both have equal intrinsic value and standing before God. The apostle Peter calls women “fellow heirs” with men in God’s kingdom.²⁵

Many Christians affirm that men and women ought not have identical roles in every part of society, and do not feel that this is inconsistent with the view that men and women are equal in intrinsic value. Such a view is known as *complementarianism*. Many complementarians point to the Trinity itself as a model: the Father and the Son are equal in intrinsic value²⁶ but have different roles, with the Father as head and the Son subordinate.²⁷ To say that subordination implies inequality of value would be to say that the Son is not equal to the Father, which is a heresy to Christians and directly contradicted by Scripture. Christ, in fact, made subordination and service a badge of honor in the church.²⁸ In most cases, however, even the most conservative Christians would say that this subordination applies in the home and in the church as a voluntary choice by women, not as a principle of law in the larger society. We will return to discuss the issue of law below.

Voluntary differences in vocation have roots in both culture and physiology. It is often difficult to disentangle the cultural aspects of male-female relations, much of which come from European roots with no biblical basis, from those aspects which are truly universal as taught by the Bible. Christianity came to northern Europe when that part of the world already had a well-established cultural set of roles for men and women. Most of these norms were common to all kinds of agrarian societies: women tended to stay at home with babies and children while men worked in the fields and forests. Much of the difference in roles also came from biology: women have babies, not men, and babies naturally nurse from their mothers, which keeps the mothers nearby; men tend to be much more muscular and less emotional. Some research has also indicated that women’s brains tend to be much more wired for multi-tasking, while men’s brains tend to become focused on one thing to exclusion much more easily. In general, there is no virtue in pretending that differences between men and women exist, both physically and mentally.

²⁵1 Peter 3:7.

²⁶Philippians 2:6.

²⁷See, e.g., D. Doriani, *Women and Ministry*, (Crossway, 2003).

²⁸John 13:14.

Those who reject the idea of mental differences fear that admitting such differences will allow all the best types of work to be claimed as “men’s work.” But a just society can allow for the existence of differences in inclination and ability in various areas without making a rule that no one may try something usually favored by the other sex. It is always difficult to be different from others, but Christians have a concept of “gifting” which affirms that not everyone is the same, and not all people of the same sex are the same—each person has unique gifts.²⁹ The same mindset which accepts that people will have different economic earning potential, allowing differences in wealth in capitalism, discussed in Chapter 6, also implies that people will have different interests and abilities, and not all women will like the same things or desire to do “women’s work.” In a society that recognizes the diversity of gifting, people will have the freedom to pursue many different careers and options, whether men staying at home with the children, women working in high-powered careers, or traditional stay-at-home moms. The Bible celebrates, for example, the godly woman who engages in business, real estate, and international trade.³⁰

At the same time, a just society has no reason to favor exactly 50% of all jobs being done by women. If many women choose not to have paying careers and want to stay at home with their children, this is also a freedom that should be tolerated and not mocked. It is true that if young women do not see examples of other women in certain fields, they will tend to try out that type of work. This is true for men looking at fields dominated by women, as well, such as teaching, nursing and ballet. If institutions want to get the best people for certain jobs, they need to be careful that they identify women with strong gifts in a field and encourage them to try their hand at the work even if there are few other people like them doing that work. But to artificially set goals of 50% of all workers in each field to be women is to neglect reality, which is that for many reasons not everyone likes to do the same type of work. There is no intrinsic injustice if more men than women like wielding jackhammers or more women than men like taking care of small children.

As mentioned above, many churches teach that in the home and in the church, men have a fatherly role that is different from that of women, and that Christian women are called to voluntarily submit to their husbands or

²⁹Matthew 25:14-30, 1 Corinthians 12:4-30.

³⁰Proverbs 31:14, 16, 18, 24.

leaders of the church in certain ways.³¹ The same churches would insist, though, that there is no general submission of all women to all men; indeed, to suggest that a man in one of these churches have his wife submit to another man would be highly offensive to most.

The same churches would also insist that a man's authority over his family, or the authority of a male leader over a church, is strictly limited to certain areas. As discussed in Chapter 3, no authority is ever absolute. The Bible gives no right of men to engage in government-like punishments on their families. The primary way in which male headship is exercised in these relations is through what may be called a "veto right." Numbers 30:1-13 in the Law of Moses presents the picture of a society in which a woman's commitments could be overruled by her husband. Part of the basis of this is the concept in Scripture of the covenant between a man and woman being an unbreakable bond—whatever one partner is committed to, so is the other. At a practical level, if one partner commits to one course of action and the other partner commits to an incompatible course of action, then either the bond between the two must be broken or one of the two must win out over the other. The Bible presents a model in which this decision is given to the man by default; the alternative is to have a power struggle in which the two wrangle for the upper hand. As presented by the apostle Paul, the wife submitting to her husband's plans instead of engaging in a power struggle is meant to model the relationship of the church to Christ himself.³² This is balanced by the command to the man, following the precedent of Christ, to be gentle with his wife and do everything in his power to uphold her and bless her.

As discussed in Section 1.2, Christians (other than theologians) do not generally want to institute the law of Moses as the law of the land today, but still see it as giving a paradigm for a good society. The precedent of Numbers 30:1-13 can be taken as a pattern for the community of faith without establishing it as a principle of law. One reason not to establish it as law is if the society has many oppressive men who do not take seriously the example of Christ for their own roles. If it is not established in the law, there will need to be other, more complicated laws to determine what to do when a man and woman bonded together in marriage are at loggerheads about a legally binding decision, such as selling a house. At present in the US, the

³¹D. Doriani, *op. cit.*

³²Ephesians 5:22-33.

solution is to break the bond of marriage in divorce and to settle the point according to who has the best lawyer.

Similarly, the law of Moses included a version of the ages-old institution of primogeniture, which few believe in today. The English version of this law required that all the land of a family to be passed to the eldest son. The Mosaic version was slightly different; it required that the eldest son receive a “double portion” of the land,³³ and did not leave land to daughters unless there were no sons.³⁴ The reason for these laws comes from an age-old problem in an agrarian society: if the population grows, and each family divides its land among all its children equally, the farms will eventually become tiny. Because America has historically had abundant land, few people in the US saw the need for laws to prevent this; more recently, with very few people living on farms because of the efficiency of modern industry and agricultural methods, the issue of keeping land in the family become less important throughout the Western world. Two precedents are established by these laws of Moses, however. One precedent, in Deuteronomy 21, is that a man who has married a woman has legal obligations to her and her children even if he dislikes her. The other precedent, in Numbers 27, is that women may be head of homes and own land, a radical concept for the ancient Middle East. Both of these precedents elevated the dignity of women in that society. Note also that the principle of the veto right in Numbers 30 also assumes that the woman is out dealing in business in society; the husband only vetoes her actions “when he hears of it.” This is no sheltered, isolated woman in view. As in Proverbs 31, the woman is assumed to be engaging in business and real estate dealings on her own.

Other examples of women doing various activities in the Bible, such as Deborah “judging” (governing) Israel,³⁵ and various queens who were commended,³⁶ indicate that women had full rights in the legal and business spheres. Inclination and culture led to relatively few women leading government, but there is no indication in Scripture that such roles by women were immoral or forbidden.

The general picture which emerges then is one in which government has a role of protecting the rights of women in business dealings, giving them a right to vote and to participate in government, but has no requirement to act

³³Deuteronomy 21:15-17.

³⁴Numbers 27:1-7.

³⁵Judges 4:4.

³⁶1 Kings 10:10, Esther 9:29-30.

proactively to ensure that women fill 50% of all occupations. The freedom to pursue the work one wants goes both ways, allowing distinctions between sexual roles in cultures as well as the exceptions of people with different gifts from the average. The Christian world view fundamentally establishes the value of woman as made in the image of God and co-heirs in Christ. In a world where by default might makes right, and where Darwinian thinking would say the strong defeating the weak is a good thing, the Bible demands that the “weaker vessel” be upheld by society and not oppressed.

Chapter 8

Environment and Population

8.1 The Biblical Mandate for Caretaking

It is unfortunate that Christian conservatives have been stereotyped as unconcerned about the environment. Bible-believing Christians, above all others, have reason to care deeply about the created world. Evolutionists might be expected to be unconcerned about the destruction of a species, as just another example of the survival of the fittest, but Christians who believe that each type of life is a special creation of God should mourn the passing away of any of these creatures.

One reason why many Christians have reacted against the modern environmentalist movement is that the modern movement has many overtones of nature worship, not just preservation of natural things. The modern environmentalist movement can also be accused of hostility to mankind in general; indeed, one could say that the attitude of many environmentalists is to want to reduce the population as much as possible, as long as the people being reduced do not include them—a modern man wants to be able to go to a national park with no other people around, forgetting that other people have just as much desire as he does to see nature, and would like to be there without him around. The modern environmentalist movement also seems averse to cost-benefit analysis; in other words, great effort is spent on stopping things that seem to have small risk to most people. This appears often to have the motive simply of anti-capitalism, of stopping corporations from making money, or else an idolatrous worship of pristine nature, rather than real concern for risks to the environment.

Despite all these qualms, in general evangelical Christians are favorable toward protecting the environment even if there is an economic cost. Numerous evangelical books have documented the “creation mandate” of the Bible. This occurs at the beginning of Genesis, in two pivotal passages. First, Adam and Eve, when they are created, are given the commission

“Let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth.” So God created man in his own image, in the image of God he created him; male and female he created them. And God blessed them. And God said to them, “Be fruitful and multiply and fill the earth and subdue it and have dominion over the fish of the sea and over the birds of the heavens and over every living thing that moves on the earth.” (Genesis 1:26-28)

This is further amplified in Genesis 2,

The Lord God took the man and put him in the garden of Eden to work it and keep it. (Genesis 2:15)

The picture given by these passages is mankind as *caretaker* of the earth. Some people react against the language of “dominion” in these passages, because they feel that it implies violent domination, but the primary meaning is that of a gardener or a farmer who controls something to bring out its best.

After the Flood, this mandate is reiterated to Noah:

And God blessed Noah and his sons and said to them, “Be fruitful and multiply and fill the earth. The fear of you and the dread of you shall be upon every beast of the earth and upon every bird of the heavens, upon everything that creeps on the ground and all the fish of the sea. Into your hand they are delivered.” (Genesis 9:1-2)

The same theme occurs again in Psalm 8:

What is man that you are mindful of him, and the son of man that you care for him?

Yet you have made him a little lower than the heavenly beings and crowned him with glory and honor.

You have given him dominion over the works of your hands; you have put all things under his feet, all sheep and oxen, and also the beasts of the field, the birds of the heavens, and the fish of the sea, whatever passes along the paths of the seas. (Psalm 8:4-8)

This passage is quoted in the New Testament, in the second chapter of the letter to the Hebrews, as well.

These passages do reject the notion that man is just another of the animals. Mankind is placed in a special role, with the “image of God,” as a ruler over the earth. This rule is not to be a tyranny, however. Man is placed as a “steward,” given authority to take care of God’s creation. The term “stewardship” is often used by Christian theologians to refer to our responsibility to take care of the earth and whatever physical resources we have been given by God.

Christians thus reject any idea of “animal rights” which would set animals up as equal to mankind, but they also reject the idea of raping and pillaging the land for temporary gain. Other passages in the Bible point to the need to care for the animals and plants:

A righteous man cares for the needs of his animal, but the kindest acts of the wicked are cruel. (Proverbs 12:10)

When you lay siege to a city for a long time, fighting against it to capture it, do not destroy its trees by putting an ax to them, because you can eat their fruit. Do not cut them down. Are the trees of the field people, that you should besiege them? (Deuteronomy 20:19)

If you come across a birds nest beside the road, either in a tree or on the ground, and the mother is sitting on the young or on the eggs, do not take the mother with the young. You may take the young, but be sure to let the mother go, so that it may go well with you and you may have a long life. (Deuteronomy 22:6-7)

For six years sow your fields, and for six years prune your vineyards and gather their crops. But in the seventh year the land is to have a sabbath of rest, a sabbath to the Lord. Do not sow your fields or prune your vineyards. Do not reap what grows of itself or harvest the grapes of your untended vines. The land is to have a year of rest. (Leviticus 25:3-5)

Proverbs 12:10, notably, was specifically used by Christians in Victorian England in the earliest anti-cruelty movement, the Society for the Prevention of Cruelty to Animals (SPCA), a movement established forever in our corporate mind by Sewell's *Black Beauty*.¹

Further warrant for caretaking of the earth is found in the picture presented frequently in the New Testament that the future kingdom of God in Heaven is an extension of this world, or a completion of it:

Blessed are the meek, for they will inherit the earth. (Matthew 5:5)

And he made known to us the mystery of his will according to his good pleasure, which he purposed in Christ, to be put into effect when the times will have reached their fulfillment—to bring all things in heaven and on earth together under one head, even Christ. (Ephesians 1:9-10)

And they sang a new song, saying, “Worthy are you to take the scroll and to open its seals, for you were slain, and by your blood you ransomed people for God from every tribe and language and people and nation, and you have made them a kingdom and priests to our God, and they shall reign on the earth.” (Revelation 5:9-10)

Some might argue that the “earth” is being used symbolically here for a new earth which God will create in the future, but the point still remains that the earth is viewed as something good, which God created and will redeem, not something to be despised and discarded.

Christian authors C.S. Lewis, J.R.R. Tolkien and G.K. Chesterton can be called the fathers of the modern environmentalist movement, writing (well before *Silent Spring* and the 1960's) of the spiritual poverty in the modernist movement with its fascination with the machine. Lewis and Tolkien wrote of yearning to live close to nature at a time when the culture rejoiced in technological progress and the machine;² it is hard to imagine now, but Dupont corporation's public slogan used to be “Better living through chemistry.” Their tales of elves and little people in the woods, threatened by machine-loving evil warriors, inspired a generation to look back at the older,

¹A. Sewell, *Black Beauty*, (F.M. Lupton Publishing, 1877).

²E.g., C.S. Lewis,

more natural ways. Even as far back as the early 1800's, James Fennimore Cooper, writing from a generally Christian perspective, wrote possibly the first environmentalist novel, *The Pioneers*³ (the fourth book in the *Deerslayer* and *Last of the Mohicans* series), lamenting the fast destruction of the forests on the east coast.

The pioneers in Cooper's books, like many generations after them faced with the vast lands of America, mostly felt that the resources of nature were so great that they could never be depleted by human activity. This pioneer instinct sticks with many modern conservatives, such as Rush Limbaugh, who argues that it is hubris for us to think that we as mere humans can have a major impact on the global environment. But according to the Bible, we are not "mere" humans scurrying on the earth like fleas on a dog. We are the kings and queens of creation. Our sin affects all of creation, and all of creation groans when mankind misuses it. It is therefore quite possible in the Christian world view that people can greatly destroy the earth by mismanagement and sin.

The motif of modern Christian thought, e.g., in *Plowing in Hope* by David Hegeman,⁴ a very conservative author, is that we should *cultivate* the earth; that we should not leave it in a pristine state untouched by human hands, but rather we should live in harmony with it, taking care of it as a gardener, and bringing nature into our living space and cities.

8.2 Population Control

One basic issue in regard to the environment is population control. One can make a very simply existence proof: the earth has finite area, and therefore the population of earth cannot grow infinitely. There must exist some upper bound for human population.

There are several different responses to this fact. One response is to say that while it is true in principle, in practice, we are very far from that point of actually filling the earth. This is probably true. It is easy to look at large cities and feel overwhelmed by the population, but it is just as easy to look at the vast empty spaces of Canada, Siberia, and the western United States and feel overwhelmed at how much space is left. This does even include the

³J. Fennimore Cooper, *The Pioneers*, (Library of America, 2012).

⁴D.B. Hegeman, *Plowing in Hope: Towards a Biblical Theology of Culture*, (Canon Press, 1999).

possibility of living on the high seas, or at the bottom of the sea. The total area of the earth is around 500 million square kilometers, and the population is around 6 billion, which gives 12 people per square kilometer; to put in another way, all the people of the earth could live in the state of Texas and have a population density comparable to Los Angeles or Toronto (ca. 8600 /km²), leaving the rest of the world empty.

But if we are to have an ethic which looks to the future, we must ask what will happen if the population keeps growing indefinitely. Infinite growth cannot be sustained, even if much more growth than we think can occur. There are several different options.

- We could keep growing forever by moving to outer space. While this hope was popular in the 1950's, that view seems to have seriously underestimated the specialness of planet earth. None of the other planets in our solar system are suitable for life; other stars would take millions of years to travel to. In principle, special technology could be used to support human life on other planets, but it would far easier to use special technology to colonize the bottom of the ocean, the high seas, or the arctic before trying that.
- Some Christians take the view that we can just forget about it, because Christ will return and set things right before overpopulation becomes a problem. Christ goes out of his way, however, to say that “no one knows the day or the hour,”⁵ and we have no promise that he must return at any given time. This view is utterly irresponsible in regard to future generations, and would seem to contradict the spirit of Jesus' words that he wants to find people working faithfully for him when he returns;⁶ to have no concern for the world of our children hardly seems faithful. By contrast, Christians of old set about making buildings and institutions that would take 500 years to complete, and we have them to thank for universities and cathedrals which they never saw completed.
- We can allow natural forces to keep population in check, a combination of new technology, which may allow population to increase, and starvation or infertility, may occur if the population is too great.
- The government can enforce population control.

⁵Matthew 24:36.

⁶Matthew 24:45.

This last option appeals to many environmentalists, but is anathema to those who believe in limited government. The decision about how many children to have is a deeply held personal right. Putting the government in charge inevitably puts the government in the place of picking winners and losers. The powers of the government will be tempted to practice “eugenics,” the creed of Nazis and racists in the past century: “more children from the fit, less from the unfit.” In China, where population control is enforced by the government, exceptions are routinely made for those the Party deems more “fit” to have more children. The issue also arises of what punishment the government will use to enforce its policies: kill off the extra children (e.g. forced abortions as in China), or take the children away from their parents, to be raised by others, breaking up a family like slaveowner? All of these policies strike at the heart of our sense of justice. The Bible frequently associates oppression with a government killing off or stealing the children of a people, as when Egypt tried to prevent the growth of the Israelite population by killing their children.⁷

In the West, governments do not forcibly prevent parents from having children, but the elite of many Western countries engage in another type of population control—using propaganda to make the idea of having children distasteful. Population control lies at the root of much of the rationale behind the sexual revolution. Many intellectuals in the mid-twentieth century felt strongly that the population must be controlled. By decoupling sex and having children, they took away one of the strong motives for having children. The message is “Have all the sex that you want! It is having children that is shameful!” This was even used as an advertising campaign in Spain for condoms—“Sex is one thing, but having a baby? That’s another thing.”

The problem with such a propaganda program is that the society becomes unstable if one or more groups don’t buy into it. In a democratic society, in which numbers of people matter for representation and political power, if one group stops having children while another group ignores the propaganda and continues to have lots of children, political power will shift to the group having children. This situation is similar to the instability of pacifism— if all nations are pacifist, then all is well, but if one nation becomes warlike in a world of pacifists, it quickly can become an oppressor over its disarmed neighbors. In the same way, if all ethnic groups decrease their population, except one, then that group can take over political power. This is the sit-

⁷Exodus 1.

uation in Europe today, in which most Europeans have less than one child per couple, while Muslim immigrants have eight or nine. This has created a backlash of fear among Europeans that their culture will be dismantled.

Indeed, there is an inherent apparent contradiction between democracy and population control. Having the majority win by count of heads means that to choose to have less children is to choose to have less political power. It also means that any attempts by the government to reduce the number of children will be viewed with suspicion by some groups as attempts to reduce their political influence. Europeans may feel that the solution of their problems is to encourage population control among Muslim immigrants, but these people will naturally feel that racism and xenophobia may be at the root of these attempts. It is well documented that man of the early population control advocates in the United States, such as Margaret Sanger, did in fact have racist or elitist attitudes, wanting to keep down the populations of the “lower” classes.

These propaganda attempts also have the indirect effect of making the lives of many children more miserable. In order to make producing children distasteful, inevitably children themselves become distasteful. The propaganda sends the message, “If you want to have a pleasurable life or a fulfilling career, don’t have kids, because they will interfere with that.” Therefore, when children do come along, parents see children as a burden interfering with their pleasure or fulfillment. This resentment places parents in competition with their children and ultimately leads to the phenomenon we see today, of parents acting like children, going on various excursions for fun or working long hours for career fulfillment, while children feel they have no parents at all, either as so-called “latchkey kids” or raised by nannies.

Even if the focus were not on our individual pleasure, as it is in the West at present, anti-child propaganda sends the message that children hurt society, and therefore those who have many children are hurting others. Again, this makes children themselves seem unwelcome in society. Ultimately, in a society with anti-child propaganda, childrearing is viewed with distaste, and children raised in such an environment will feel oppressed, resented by others through no fault of their own.

By contrast, the Bible celebrates children. As listed above, part of the creation mandate is to “be fruitful and multiply and fill the earth.” It even celebrates multiple children, as in Psalm 127, which says blessed is he who has a “quiver full.”

Some may say that such sentiments are out of place now, because the

world is already “full.” But by whose standard? As discussed above, we are in very little danger at present of running out of space to stand. If we judge filled-ness by quality of life, then we again put ourselves in the place of picking winners and losers, saying that one person’s life is too poor to have children, when that person may feel otherwise.

I conclude that the government has no place in forcing or telling people not to have children. But as discussed above, we must nevertheless deal with the issue of overpopulation. If the government does not prevent overpopulation, do we have nothing to say at all about the subject?

Some people have said that the Christian church has never had to deal with population control, coming from an older age of low population, and therefore has no right to speak on population issues. But this is not true. In the Middle Ages, overpopulation in Europe was a major issue. Family farms got smaller and smaller as families divided their land among their sons, overcrowded cities were hit by plagues, and throngs of poor tramped through the country from one city to another.

How did society deal with overpopulation then? There were two primary ways. First, the law of primogeniture passed the land only to the eldest son, so that the land would not be endlessly divided. This forced younger sons to look elsewhere than farming for their means, and ultimately created a class of innovators who found new technology (including seafaring) which would allow higher population. Second, many men and women became monks and nuns who bore no children.

We would do well to think about singleness as a respected calling. A *vow* of celibacy is nowhere encouraged in the Bible, and seems designed to place temptation to vowbreaking in the path of any normal person. The Reformers at the time of Luther strongly rejected the notion of vows of celibacy, and even in the Catholic church today many are reconsidering the issue. But the *practice* of celibacy violates no rule, and is in fact encouraged in places in the Bible, e.g., by Jesus⁸ and Paul.⁹ Those without children can serve “the kingdom of God” in full time service without distraction, and in all ages there have been great examples of such people, including the Apostle Paul, monks like Augustine and Assisi, and more recent well known evangelicals such as Corrie ten Boom.

Besides a deliberate choice not to marry for the sake of service to society,

⁸Matthew 19:12.

⁹1 Corinthians 7:8.

people may simply decide to hold off on marriage if they do not have a good enough job to support a family. It stands to reason that a person should think ahead about major life decisions, and have a reasonable expectation that their income will be adequate for at least the basic needs of a family. If people make decisions on having children based on economic ability to support them, then this alone may be adequate to prevent overpopulation—if resources truly are scarce, less people will make decisions to have children. Of course, deciding what is adequate is a matter of freedom. Many people may decide that a color TV, trips to Disneyland, and private education are not needs.

8.3 Birth Control within Marriage

Besides holding off on marriage, a couple may decide to use methods of birth control while married to limit the number of their children, for the economic reasons given above. Is this immoral? Many branches of the church have taught so over the centuries. There three main lines of argument.

One line of argument takes the passages in Scripture which say that children are a blessing (e.g., Psalm 127) and argues that we must not limit the blessing of God. But if this logic is applied to other blessings, it is easy to see how odd it is. A Cadillac is a blessing. Does that mean I must maximize the number of Cadillacs I own? Wealth is also called a blessing,¹⁰ yet we are explicitly told not to seek to maximize our wealth (1 Tim 6:9). The communion cup is called a blessing¹¹—does this mean we must maximize the amount of communion wine we drink?

A second line of argument says that birth control is unnatural, and as Christians, we have a duty to do only what is natural. Both of these statements can be questioned. First, it can be argued that our modern society is unnaturally geared toward an unnaturally large number of children. In ancient societies as well as modern agrarian ones, the practice of constant breastfeeding on demand naturally limits the spacing of children to 2-3 years apart, because breastfeeding suppresses fertility.¹² Almost no women in in-

¹⁰Proverbs 10:22.

¹¹1 Corinthians 10:16.

¹²See, e.g., Sheila K. Kippley, “Breastfeeding and Natural Child Spacing: How Ecological Breastfeeding Spaces Babies,” (Couple to Couple League, reprint edition 1999); A. Perez, M.H. Lobbok, J.T. Queenan, *Lancet* **339**, 968 (1992).

dustrial societies practice breastfeeding at the level which would give this amount of suppression of fertility. In addition, disease and miscarriage have been dramatically reduced by artificial medical technologies; one can argue that the high rate of possible childbirth is meant to balance the high rate of natural death of children in most societies.

The other statement which one can question is whether Christians must always do what is “natural,” and if so, how to define what is natural. Is it natural to try to heal people or limit their pain? At one time, some Christians argued that using pain-killing drugs during child birth is unnatural. Is it natural to keep people alive if they have cancer, which arises from their own bodies? Arguments can also be made that eating certain types of industrial-produced food is unnatural— should the church issue moral imperatives on junk food? The Christian creation perspective does support a general approach that things in their natural state, as created by God, but also affirms that mankind is not meant to just leave things as they are; Adam and Eve were to “rule over” the creation and “subdue” it, bringing it under control, not just be subject to whatever nature brings.

A third line of argument, typically associated with the Catholic church, is that the sex act is intrinsically associated with child bearing, and therefore to prevent children is to directly violate the spirit of the act. This comes out of a line of thinking that sex is intrinsically sinful, a view not shared by any significant number of Protestant churches. In the Catholic view, the intrinsic sinfulness of sex is counterbalanced only by the positive virtue of procreation. But the Bible has many instances of celebrating sex for its own sake, as a way of binding two people together in marriage. In fact, the Bible is so blatantly pro-sex that even modern readers often blush; in the past, commentators tried to interpret these as only symbolic. The Song of Solomon is an extensive poem celebrating sexual love, with no procreation in view, only pleasure; the speakers say things such as

“Your lips drip nectar, my bride; honey and milk are under your tongue; the fragrance of your garments is like the fragrance of Lebanon. A garden locked is my sister, my bride, a spring locked, a fountain sealed... Awake, O north wind, and come, O south wind! Blow upon my garden, let its spices flow. Let my beloved come to his garden, and eat its choicest fruits....I came to my garden, my sister, my bride, I gathered my myrrh with my spice, I ate my honeycomb with my honey, I drank my wine with my

milk... Eat, friends, drink, and be drunk with love!...Your stature is like a palm tree, and your breasts are like its clusters. I say I will climb the palm tree and lay hold of its fruit.” (Song of Solomon 4:11-5:1, 7:7-8)

This is no mere mechanical act of procreation! While it is true that this poem also symbolizes the relation of Christ and the church, it cannot be missed that it is talking about real physical sexual relations; the apostle Paul, in Ephesians 5, actually goes further to say that the real physical relations between men and women symbolize the relation of Christ and the church. Similarly, the book of Proverbs says, “Let your fountain be blessed, and rejoice in the wife of your youth, a lovely deer, a graceful doe. Let her breasts fill you at all times with delight; be intoxicated always in her love.”¹³ Proverbs is not symbolic or poetic at all, but a matter of fact listing of principles. The Bible does not teach that sex is only for the purpose of making children.

The general principle which I advocate is *balance*. Sticking with the motif of mankind as gardener or caretaker introduced in Section 8.1, a man must be caretaker of his family as of a garden—he seeks to produce but does not let the garden become overgrown and out of control. We have two balancing principles:

- Marriage is naturally connected to child bearing.
- There is no mandate in Scripture to have as many children as possible.

Saying that there is no mandate to have as many children as possible should not be taken as a blanket approval of all methods of birth control. Not only the ends, but also the means, must be considered carefully in any moral decision.

An analogy may be made with hospitality. Suppose that a couple wants to limit the number of houseguests in their house, because they feel too poor to host a great number. What options are available to them? (1) Let people come in, and then murder them in their beds. (2) Let them come in, and then pray for their deaths. (3) Keep the door locked, except when inviting people in, but if a person shows up unexpectedly, show him or her hospitality and welcome. Clearly, the third option is the only moral option for Christians. In the same way, killing unborn human life, or praying for a miscarriage, are not options, but creating barriers for new life is not intrinsically immoral.

¹³Proverbs 5:18-19.

8.4 Common Ownership

A basic principle of society learned long ago by the Pilgrims and the Puritans can be called the “law of the commons.” In the neat little towns in New England, one place was slovenly and dirty. This was the “commons,” a tract of land held in common ownership where anyone could graze their animals (this English custom gave rise to the term “commoner,” as opposed to a land owner.) Since no one owned the land, no one cared for it, and it fell to decay.

The same principle can be applied to the environment. Rivers, the sea, the air, and so on all belong to people collectively but to no one specifically. Therefore, the temptation always occurs for people to dump unwanted pollution into these common areas.

One solution to the problem of the commons is to have no common land, to sell off the commons so that someone has direct control. But how does one sell off the air? The rivers? The seas? Even further, what about the electromagnetic field by which radio waves propagate? It is highly impractical to imagine having *no* common, public property. And if there is public property, this will be controlled by the government, though it might delegate the task to private subcontractors.

I conclude that while the principle of limited government implies that the government should not own all, the majority, or even a substantial fraction of all resources and property in a nation, the concept of common property controlled by the government is legitimate. In such a case the government has a duty to be a good owner and caretaker and establish rules for proper use as any caretaker would. This is the basis of anti-pollution laws—the air and water are common property which must also be cared for under the mandate of caretaking.

Nature parks. This principle can also be used to argue for the legitimacy of national parks. A society may decide that certain lands are so irreplaceable that they will buy them (at a fair price) and set them aside for the use of future generations. Christians, in particular, ought to have deep love for pristine nature as close to the original creation of God. As discussed in Section 8.1, Christians do not believe that the ideal case is to leave all land untouched, because people have been given a mandate to tame and improve. But neither can Christians say that the original state of nature is always improved on by every type of work people do; some gardens are improved by wild regions. In this spirit, the national parks of the US were started by Teddy Roosevelt and other Christian “conservationists” in the 1800’s and

have been a blessing to many generations. Obviously, the government will in this case set regulations for the use of this land which prevent it from being permanently harmed. In some cases natural resources found on these lands can be extracted without harm to the land, in which case they could be sold to private agencies.

Some conservatives have resisted the acquisition of land for large public parks out of the ancient Scotch-Irish resistance to land going unused. In old Britain, large tracts of unused land were associated with the elite rich having parklands for their own use. As in the story of Robin Hood, hunting and fishing on these lands was prohibited for all but the rich owners, leading to class conflict. The egalitarian Scotch-Irish (see Appendix A) developed a world view which saw this as immoral, based on the biblical mandate to develop the earth discussed in Section 8.1. Land sitting unused and fallow violated God's command to have productive dominion over the earth. This mindset, originally coming from the anger of the lower classes against the rich landowners in Great Britain, eventually crossed over the Atlantic to turn into resentment at vast amounts of land being given by the government to the American Indians which, in Scotch-Irish eyes, was wastefully unused. They thus justified squatting on Indian lands in order to farm it or hunt on it, and in later ages, they have resented government laws against industry use of land or hunting.

The mindset of the rich in Europe in setting apart large tracts of lands as parks was not too different from that given above, of preserving beautiful things in nature before they become despoiled forever. As Europe's population grew, wealthy landowners feared that all the beautiful lands would be lost. Of course, conservatives today would agree that the wealthy have the right to set their own lands aside as park land, but often resent the government setting land aside as pristine.

As discussed above, Christians cannot argue that all human activities improve on the original creation of God, nor can they argue that lands left as God created them must necessarily be worse than developed lands. The best argument for avoiding too many public lands is the principle of limited government: more land controlled by the government means more power for the government. If the government begins to own a significant portion of all land, the same concerns discussed in Section 6.2 arise. Therefore, a codified limit to the total fraction of land which can be owned by government is sensible, and as with taxes, a number like 10% again seems to be a natural fraction.

Other government lands. It can also be argued that certain lands are so crucial for military defense of the nation that the government must own land for use of the military. How, indeed, can a government defend the nation at all if it has no place to park its weapons?

Besides natural things which are intrinsically hard to divide up, there are also man-made things which contribute to “infrastructure” that are also hard to divide up: highways, railroads, power wires, telephone, television and internet lines, etc. Private enterprise can certainly do a good job of creating these, but without standardization (“equal weights and measures,” to use a biblical term) these systems can become chaotic. In some cases it may make sense for the government to directly own infrastructure rather than just regulate standards for private parties. Conservatives often react against this, because the abuses of public works are well known: corruption in awarding contracts, cost cutting and shoddy work, bureaucratic red tape, etc. It is a fair statement to say that government work automatically brings inefficiency relative to private industry because it has no competition and no incentive to efficiency other than the embarrassment of those in charge in a free society where stories can be published and leaders voted out. This is a good argument for keeping public works to a low level, but I cannot find biblical warrant to argue that government cannot do any such works at all. Solomon was commended for building the Temple in Jerusalem using conscripted labor, and Nehemiah was commended for a the great public work of building the walls of Jerusalem. Solomon did go too far in demanding much more, including a house and riches for himself, in violation of the law of Moses,¹⁴ and his son Rehoboam, in continuing and increasing the same policies, ultimately caused a civil war when people rebelled against the burden of all the labor. But there are nothing but positive statements about the Temple of Solomon in the Bible, indicating that at least in principle, a great public work can be done for the benefit of the people. Similarly, king Hezekiah is commended for building the infrastructure which brought water to the city of Jerusalem.¹⁵ As discussed in Section 3.5, conservatives often ignore the issues of protecting or preserving a society with serious lack of infrastructure, and some work on infrastructure can be judged so important that the society cannot go on without it. Section 3.5 discusses reasonable principles to restrain the government from going too far.

¹⁴Deuteronomy 17:1-17.

¹⁵2 Kings 20:20.

8.5 Environmental Liability

Suppose that I am living in my home, and a person moves in next door and sets up a stinky pig farm, causing my life to become miserable and my property values to plummet. Has real harm been done in this case, that can have legal redress? Or suppose that a chemical factory moves next door which releases chemicals that make it difficult to breath?

It is obvious that real harm can be done if one person affects the environment of his or her neighbors. How the law handles this depends on several factors. First, if things are done to the environment which are known to create risk for others, such as releasing poisonous chemicals, then the considerations of Section 8.4 come in: the common ownership of the air and water requires the government to make regulations against known risks or destruction.

In some cases, though, an activity may be legal in general but harmful to me locally. In the case of the pig farm, no harm is done to the air or environment in general by a bad natural smell. The same applies to a loud sound, e.g., a person who broadcasts loud music all day and night, and many other disturbing actions. The restriction of such things can fall under the category of “zoning,” laws which restrict certain legal activities from occurring in certain areas, which we have already discussed in Section 3.6. Towns might disallow commercial activity in residential areas, for example. One way in which this might happen is if the land where zoning occurs is private land, owned either by individuals or a corporation, e.g., a gated community. The problem of too much land falling under private control is discussed in Section 6.2.

Zoning laws can be used to prevent some bad effects on neighbors, but few towns can anticipate every possible harm to a neighbor and restrict it in advance. We must therefore allow that in some cases a neighbor may go to court for damage after the fact. Such claims are legitimate when it can be proved that an action of a neighbor led to effects on another person which harmed them, and that the possibility of these harmful effects was known to the person causing them. This is a case of culpable negligence, which as discussed in Section 3.6, is affirmed in the Bible as a real crime. The only difference in this case is that the risk has moved to another person’s property instead of my own, through proximity. Clearly, as discussed in Section 3.6, if activities are already going on and a new person moves near to them, that person cannot sue for damages due to activities which they knew would put

them at risk when they moved in. They could, however, have a case if they can prove that willful deception was used to keep them in the dark about the risks.

In general, many conservatives in the US have resisted zoning laws and pollution laws as unjust infringement on the right to private property and the right to do what one wants on that property. Some of this resistance comes from the history of the US, that for many years had so much abundant land that people could do practically anything on land in rural areas and have no appreciable effect on others. As the population of a country increases, so do the number of ways in which they can step on each other's toes. Sometimes people will be overly sensitive to the actions of others, but in many cases there are legitimate claims to harm done by others in the nearby environment.

8.6 Cost-Benefit Analysis

One objection conservatives have to many environmental laws is that they do not appear to sensibly take into account *cost-benefit analysis*. For example, suppose that using a certain chemical in farming will increase the food supply by 300%, feeding many millions of hungry people, and will also create an economic boom which provides jobs for thousands of people in the food supply chain, but at the same time, that chemical increases the risk of cancer by .00001%, so that in a given year, on average 1-2 more people may get cancer than if the chemical was not used. Is it valid to say that the benefits outweigh the costs? The same type of argument applies to the energy created by nuclear plants or oil and coal.

Cost-benefit analysis like this always sounds harsh and cold, because who can be in favor of giving even one or two people cancer? Or perhaps the cost is that an animal or bird population will diminish by 1%. Who can be in favor of killing birds? The cost of not feeding millions of people, or not having energy, never seems to be taken into account as much, because in the modern world we are used to assuming that those things will always be available. We should not minimize this though: without the modern energy systems and food delivery systems which rely on transportation, millions to billions of people would die. Modern cities simply cannot exist using only locally grown vegetables.

Cost-benefit analysis says that some things will, indeed, be too costly and should be outlawed. But it also says that the mere fact that some technologies

cause some harm cannot be used automatically as an argument to abolish them. The costs must outweigh the benefits.

There are two difficulties with this type of analysis. One is that it is often difficult to come up with exact numbers on the risks and benefits of various things. Therefore many decisions need to be made using partial information. Strategies such as game theory can be developed for the best choice in such circumstances, and erring on the side of caution is always wise.

A second difficulty is that some costs are hard to assess in absolute terms. What is the cost of the extinction of one species? From a Darwinian perspective, the cost is perhaps not so much, since Darwinism is supposed to progress by the extinction of many species. Of course, some Darwinists might argue that the speed of extinction is too fast when driven by human technology, but by the same token, the rate of producing new species by human breeding and selection should also be much faster. Christians with a strong belief that God's creation is good, by contrast, ought to value every living thing created by God, whether beetle, flea, or mold.

The fact that these roles often are reversed means that other philosophies must come into play. As discussed in Section 8.1, many who environmentalists who embrace Darwinism have an almost mystical view of the value of life, coming from neo-pagan themes such as Gaia worship, and many conservative Christians react against this by treating the nature lightly. One consequence of the neo-pagan influence is the rejection among many environmentalists of pragmatic cost-benefit analysis; at least in regard to the costs to people—wild nature is viewed as holy and to be preserved at all costs, while human life is not holy and in the eyes of many environmentalists, human population is to be reduced, even if at the cost of great suffering.

From the perspective that God created a good creation, and that every good thing is given to mankind in stewardship, Christians ought to place a high value on preserving the things God has created. Even though humans have the authority to kill individual non-human lives, they ought to preserve the various types and classes of created things. One mitigating factor is how to define a class of thing to be preserved. For example, there are hundreds of thousands of species of beetles which have been defined by scientists. Is the "species" defined by scientists so black and white that every one of these type of beetles must be preserved, no matter what the cost in human suffering? Or may we say that we ought to preserve beetles generally? In a Christian cost-benefit analysis which takes into account our stewardship of creation, the destruction of whole classes of things should be taken as a very heavy

cost, but human life must also be treated as holy (cf. Section 7.5). The two cannot be placed in opposition as either/or. The calling of God in Genesis 1 and 2 is to fill the earth with people even while caring for it as our home.

Chapter 9

Concluding Thoughts

In this book I have not stuck to one party line, as presently defined, of either “Right” or “Left.” In the present political climate, some will accuse me of tepidness; being a “moderate” not identified as either fully Right or fully Left is associated with half-measures and half-heartedness, or worse, duplicity for the mere sake of winning friends.

As discussed in Appendix A, the terms Left and Right originate in an issue not even relevant today, namely anti-royalist and royalist factions in Europe. Christians throughout the last 2000 years have not defined themselves on this axis of left and right. The best Christian thinking on government has come from those starting from first principles, not those trying to adhere to a party line.

In this regard, Christians can be thankful for the efforts of Samuel Rutherford, John Locke, Abraham Kuyper, and Francis Schaeffer, all of whom would be called “rightists” by modern standards, as well as William Wilberforce, William Jennings Bryan, and Teddy Roosevelt, all of whom would have a lot in common with “leftists” today, as discussed in Appendix A.

Rather than trying to adhere to party lines on issues, Christians need to think through their entire political worldview in terms of justice and the Bible’s call to justice. In many cases, this means a wise medium between two extremes. The Bible does not call for zero government, like an anarchist, nor total government, like a communist, but optimal government, which is limited but not zero (see Appendix C for a pragmatic discussion of this). The Bible does not restrict laws only to preventing against injury and use of force, as the libertarian would have us do, but also does not call for laws in every sphere of life to prevent all risk, as the modern liberal would have us

do. The Bible also does not make a sharp line between laws of “morality” and laws of “safety,” but presents a basic for limited laws in all spheres of life.

Since I have written a whole book on politics, one might expect that I feel that politics is the most important task for the church. Far from it. In my view, politics is just one more worldly task which can help people and prevent great evil, no different in kind from science, art, business, or farming. Some are called to work hard in this area, and some are called to other areas. The Bible never gives us a warrant to expect that all earthly problems will be solved by good government. Instead, it presents a picture of Christians working for the good of their nations while not investing their hopes in fixing this world before Christ returns.

As discussed in the Introduction, this book is meant to start discussion, not to end it. It is my hope that evangelical Christians will not be single-issue voters, nor party-line voters, nor naive idealists, but will think about the world of politics from the perspective of the entire tapestry of Christian ethics in a non-utopian world.

Part III
Appendices

Appendix A

The Christian Right and the Christian Left: a Political History

In this book, I have attempted to develop a biblical Christian ethic from first principles. Such an attempt, of course, can never really be independent of history and past and present interpretations of the Bible. Even an attempt to split the difference between existing political parties is a thoroughly modern impulse. Instead of pretending that we are not influenced by history and are doing things neutrally, a better approach is to be explicit about how we are reading history.

There are two distinct brands of Christianity in the US today, which can be called Right and Left. These two labels would not be offensive to either, although the term “liberal” instead of Leftist would be offensive to many, because they consider themselves to be “conservative” in regard to the Bible. By contrast, some on the Right like to be called conservative rather than rightist, but overall, they do not strongly object to the label.

Believers from both of these movements often fellowship together in various settings and agree on many essential doctrines. But it is fair to say that many churches are defined by their politics—you will find churches that are mostly politically rightist, or mostly political leftist, but rarely churches with equal mixtures of both. There is a reason for this. Politics is often where the rubber meets the road—a place where faith is put into action. Christianity requires believers to be involved in the world, including politics. To have members of a single fellowship working against each other would be quite a

stress. We can affirm the good intentions of Christians on the other side of the political arena from afar, but to join them weekly in prayer would require a lot of things to be left unsaid.

Where have these movements come from? Is either really a false Christianity? There is no doubt that many on either side have accused the other of false Christianity. This essay is an attempt to discuss the differences in way that I hope will not be offensive to either.

A.1 Original Roots

The earliest roots of the Christian Right and Left come from two movements in Europe just after the Reformation. The Christian Right can be traced to the Scottish Presbyterian and the English Puritan/Reformed movements, while the the Christian Left can be traced to the English Quaker and German Brethren movements. These groups moved to America in great numbers in the 1700's. While there were certainly other Christian groups who came to the US early on, notably Anglicans, Lutherans and Roman Catholics, the Presbyterian/Reformed and the Quaker/Brethren movements were marked by definite political philosophies, while the other movements did not generally emphasize politics or strive to form cogent political frameworks. One might say that this was due to an intrinsic pragmatism—the Anglican, Catholic and Lutheran churches were associated with existing political structures that they did not generally question (the Anglicans supported the English monarchy, the Lutherans supported the continental nobility, and the Roman Catholics supported the political power of the Catholic hierarchy and the associated Catholic nobility) while the Presbyterians and Brethren definitely saw themselves as “separated” from the old political world and in the business of starting a new order. Certainly within the Anglican, Lutheran and Catholic churches there were attempts to formulate cogent political philosophies of “principled monarchism,” but these did not take root in America, especially after the War of Independence—no one could say he or she supported monarchy! Therefore, in America, members of these churches tended to gravitate toward one or the other of the two political philosophies of the Presbyterians or the Quakers.

One could go back a little further and say that these two movements arose from two earlier movements, namely, Calvin and Luther's Reformed movement on the one side and the Anabaptists on the other side. The two move-

ments certainly have those origins—John Knox, who founded the Presbyterian church of Scotland, was trained in Geneva, and the German Brethren were clearly influenced by the Anabaptists. The later movements steered away from some of the teachings and excesses of the earlier movements, however. The original Anabaptists advocated armed revolution, not unlike communists, culminating in their armed takeover of the city of Münster.¹ When this collapsed, the movement was thoroughly discredited in Europe, and Anabaptists were everywhere feared and persecuted. Simon Menno came along after this, preaching complete pacifism. Nearly all Anabaptists became “Mennonites” in continental Europe, embracing pacifism. Calvin, on the other hand, basically supported monarchy and tended to be a pragmatist like the Anglicans in regard to governmental systems. At the same time, he supported a system in Geneva that seemed to veer toward totalitarianism, punishing things such as naming babies after Catholic saints and allowing little freedom of speech, by modern standards.² Luther also favored monarchy and allowed for little religious freedom, e.g. his famous letter advocating the expulsion of the Jews (contrary to popular belief, he expressly said that they must not be killed, but he did favor confiscating their land and goods and expelling them).³ It was the Scottish Samuel Rutherford who defined the ideas of universal human rights which took precedence over the rights of kings in his book *Lex Rex*, which was the first cogent, Reformed political philosophy.⁴ Therefore, it would be no more appropriate to say that the Christian Right would like to go back to Calvin’s Geneva than it would be to say that the Christian Left would like to go back to the Anabaptists’ Münster.

Some of the original tendencies of the two original movements did and do tend to spill over into their descendants, however. The Anabaptists tended to be anti-historical and anti-scholarship, favoring “Spirit-led” theology. They viewed all prior church history as hopelessly corrupted, and therefore put

¹H. von Kerssenbrock, *Narrative of the Anabaptist Madness: The Overthrow of Münster, the Famous Metropolis of Westphalia* (Studies in the History of Christian Traditions; 132), C.S. Mackay, trans. (Brill Academic Publishers, Leiden, 2007); K. Kautsky, *Communism in Central Europe in the Time of the Reformation*, J.L. Mulliken, trans. (T.F. Unwin, 1897; reprinted by Nabu Press, 2011).

²General laws against such as gambling, masquerades, and dances actually existed in Geneva long before Calvin arrived there. See, e.g., T.M. Lindsay, *The Reformation*, (T. & T. Clark, Edinburgh, 1913).

³M. Luther, “On the Jews and Their Lies” (1543), reprinted in *Martin Luther’s Basic Theological Writings*, T.F. Lull and W.R. Russell, eds., (Augsberg, 2005).

⁴See F.A. Schaeffer, *A Christian Manifesto*, (Crossway Books, 1981).

little value in reading the “classics.” They also tended to prefer the “spirit” over the “letter” of the Bible. In a famous extreme, one group actually burned their Bibles in order to escape the “dead letter” and to be led by the Spirit alone.⁵ The Reformed church, by contrast, put great value in the scholarship of the earlier church, e.g. St. Augustine, even while insisting that those “classics” had no authority, and that only the Bible was authoritative in the church. They valued the “letter” of the Bible tremendously, and insisted that the proper way to interpret the Bible was not primarily through the “spirit” but by extensive scholarship to determine the original meanings of the words.

It would, of course, be an exaggeration to say that the modern Christian Left does not value the letter of the Bible and that the Right does not believe in being Spirit-led. Nevertheless, we will see that the approach to the Bible has tended to be very different in the two groups.

It is important here to make a clarification in regard to the term “Reformed.” Originally, all of the “Reformed” churches had that name because of their common origin in the Reformation, and in particular, in the teachings of Calvin and Luther. In continental Europe, however, all of the Reformed churches tended to gravitate toward one of two political positions: either a pragmatist/monarchist position like that of the Lutheran church, or a pacifist/separatist position like that of the Mennonites. The German Reformed, Hungarian Reformed, Dutch Reformed, and Swiss Reformed churches eventually became quasi-hierarchical State churches endorsing the monarchies in their countries, like the Anglican church, and on the other hand, the German Brethren churches which in many cases were called Reformed Brethren, or simply Reformed churches, which largely embraced the political philosophy of the Mennonites, even though they had Calvinist theology. The Scottish Presbyterian and Puritan Reformed political philosophy, which so greatly influenced the American churches, seems not to have made the slightest impact on the continental European churches even to this day.

At the same time, the “Anabaptist” movement should not be confused with the “Baptist” churches. While both rejected infant baptism, the modern Baptist movement originated in the English Reformed Puritan churches and largely grew out of the conversion of American Presbyterians, and it has mostly shared the Reformed political philosophy. Therefore, one had the following axes in the US:

⁵T.M. Lindsay, *op. cit.*

Left: Mennonite—Brethren—Quaker
Right: Reformed—Presbyterian—Baptist

As we will see, these axes do not exactly hold today. For one thing, many members of “mainline” Reformed, Presbyterian and Baptist churches today see themselves as leftist, not rightist. In the late 1800’s, a great number in these churches shifted to the “Left” at a time when this world view was strongly on the rise in the US. Nevertheless, I will use the terms “Reformed” and “Presbyterian” here as a shorthand for the world view going back to the original thinking of these churches.

Neither of these movements would have used the terms “Left” and “Right” in the early days. As we will see, those terms came from continental European politics and did not enter the American lexicon until the middle of the 1900’s. In the early years, one would have used the terms “pacifist” or “abolitionist,” etc., in regard to the single issues which dominated the politics of the day. In England, “whigs” (who became the modern Liberal party) were the descendants of the anti-monarchist Reformed movement, while the “tories” (who became the modern Conservative party) were the descendants of the pro-monarchists, mostly Catholics and non-Puritan Anglicans. In the US, after the Revolution, there were no tories at all, so the contrasting term whig also died out. In the late 1800’s, the terms “progressive” or “populist” became common for what we today would call the Christian Left.

A.2 Political Philosophies

What were and are the differences between these groups? As stated above, while there have been many groups, Christian and otherwise, that have called themselves leftist or rightist, the most cogent Christian political philosophies have been articulated within the two traditions listed above, the Presbyterian/Reformed and Quaker/Mennonite churches. Many people, indeed, do not fit neatly into either camp. Yet over the years, these two traditions have exerted enormous influence over popular political movements in the US. For instance, Francis Schaeffer, who may be called the father of the evangelical rightist movement in the US, came from a conservative Presbyterian background. Tony Campolo, one of the premier spokesmen for the Christian Left today, comes from a Brethren background.

These movements themselves have evolved and clarified their thinking over the years, so that in defining their philosophies, I am not so much giv-

ing a picture of either movement in the year 1700, but rather integrating the direction of thought in each school over the past three hundred years. To be specific, for the Christian Right I take as representatives Francis Schaeffer (in particular, the *Christian Manifesto* ⁶) and Greg Bahnsen (in particular, *By This Standard*.⁷) Greg Bahnsen is considered controversial by many people, including many rightists, but mostly because of his particular view of what laws of the Old Testament may be considered sacrificial vs. moral. Most rightists would not feel uncomfortable with his writings from an overall perspective. On the leftist side, Jim Wallis⁸ and Ron Sider⁹ are the two writers who have expressed the most systematic views. Other influential writers on the evangelical right include ex-communist Marvin Olasky¹⁰ and Chuck Colson,¹¹ and on the left, Brethren professor Tony Campolo¹² and Jaques Ellul.¹³

The first, most obvious difference, is in regard to pacifism. The Quakers, Mennonites, and Brethren embraced pacifism, while the Presbyterian, Reformed and Baptist churches embraced a theory of a “just war.”

This difference implies a difference in approaches to the Bible. The Old Testament clearly commands Israel to take up the sword and fight wars. In the Quaker-Mennonite view, the Old Testament order was clearly abrogated in the New Testament. Jesus’s Sermon on the Mount, in this view, is a platform for overturning the old way, and Jesus’ statements, “do not oppose an evil man” but instead “turn the other cheek” and “do not judge” are taken as absolute, inviolable commands.

The Reformed view, on the other hand, takes note of Jesus’ statements at the beginning of the Sermon on the Mount, that he had not come to abolish “a jot or a tittle” of the Law. The Sermon the Mount, in this view, is an

⁶F.A. Schaeffer, *A Christian Manifesto*, (Crossway Books, 1981).

⁷G.L. Bahnsen, *By This Standard: The Authority of God’s Law Today*, (Christian Liberty Press, 1991).

⁸J. Wallis, *Agenda for Biblical People*, (Harper Collins, 1984).

⁹R. Sider, *Just Generosity: A New Vision for Overcoming Poverty in America*, (Baker Books, 2007).

¹⁰D. Brandow, *Beyond Good Intentions: A Biblical View of Politics*, M. Olasky, ed. (Crossway, 1988); M. Olasky, *Compassionate Conservatism: What it is, What it Does, and How it Can Transform America*, (Free Press, 2000).

¹¹C. Colson, *God and Government*, (Zondervan, 2007).

¹²S. Claiborne and T. Campolo, *Red Letter Revolution: What if Jesus Really Meant What He Said?*, (Thomas Nelson, 2012).

¹³J. Ellul, *Anarchy and Christianity*, (Wipf & Stock, 2011).

expansion of the old law, not a new law. Evidence for this view is seen in Paul's letter to the Romans, Chapter 13, in which Paul says that government justly bears "the power of the sword." The pacifists rejoinder is that Paul was merely saying that God uses governments for his own good purposes, not that he endorses them as Christian enterprises.

The Reformed view of the unity of the New and Old Testaments usually goes under the name of "covenantalism," although there are several different varieties of covenantalism. In general, the following connections are made: the Church is the new Israel, and the "moral law" of the Old Testament applies universally while the "sacrificial law" has been fulfilled in Christ. Which laws fall into which category is the subject of much debate. The Ten Commandments are commonly taken as the expression of the "moral" law (this position is codified in the Westminster Confession written by Presbyterians and English Puritans in 1536), but some Christians would like to remove the Sabbath law and make that a "sacrificial" law. At times, the equation of Israel and the church in covenantalism has been taken to mean that Christians should wipe out pagan enemies (e.g. a manifest destiny which involved wiping out the Indians in North America or native Irish in Ireland), but that can hardly be called an implication of covenantalism—while such ideas may have been popular at times, no major Reformed Bible teacher ever taught that position officially. Instead, Reformed teachers have noted that even Israel was forbidden to generally wipe out nations; they were given a special mandate to attack a specific set of seven nations in Palestine. This is taken as a one-time judgment of God, and not a precedent for later believers.

It is tempting to look at these differences in terms of the people who originally held them. The Scots were a warlike people who valued heroism, while the German farmers who tended to become Mennonites were more passive. Things do not break down quite so easily, however. The German Anabaptists also led a war to take over Münster, and many later German farmers became Nazis. The English Quakers and the English Reformed Puritans come from the same country, yet with very different views. Perhaps a more valid distinction is that in Scotland, the Presbyterians had a real chance at self governance, while the German Brethren and Mennonites never did. On the continent, there was never a possibility of the people deciding whether a war was just—the kings and nobles had all the power, and they alone decided when a war would be fought. In Scotland, the distance between the nobles and the people was not as great, even before the Reformation, and after the Reformation the nobles asked the Christian leaders to utterly reform the so-

ciety, including the rules for war and the rules for government. The sweeping changes in the society of Scotland by John Knox and his reformers are well documented.¹⁴

This leads us to another major difference in the two philosophies. The Reformed view saw the kingdom of God as very much “this worldly”—in other words, Christians have a role in government, and governments can be explicitly “Christian,” while the Mennonite view saw the kingdom of God as very much separate and cut off from the rest of the world. The modern Amish, who are all Mennonites, (although not all Mennonites are Amish!) are an example of an extreme form of this view, in which the Church cuts itself off entirely from the rest of the world. To put it another way, the Mennonite-Quaker view was essentially anti-authoritarian—civil authorities are evils that, at best, are to be tolerated for pragmatic reasons—while the Reformed view saw civil authority as a good thing. As discussed in Chapter 2, Jacques Ellul, a modern Christian leftist, has explicitly taught the view that all governmental authority is from the devil, while Francis Schaeffer and other Reformed Christians have taught that Romans 13 implies that governmental authority is ordained by God.

One might ask how these views can be reconciled with the modern stereotypes of the Right wanting “small government” and the Left wanting “big government.” It would seem that the Left, coming from the view that governments are illegitimate activities done only by non-Christians, would favor “small government” and the Right would favor the opposite. While there is probably not any leftist who would say he is in favor of “big government” in principle, one can see a connection. In the Reformed view, the Christian can control the government, and therefore the question of how much power government may have becomes an issue of self-restraint. Making government bigger equals making yourself more powerful, which is not a Christian goal. By contrast, if government is essentially an alien, enemy force, then all one can do is go to that force and ask for favors. There is no limit on the number of favors one can ask. In fact, the more one gets of that alien power to do, the better. There is no ultimate value in limiting governmental power, because if that alien power restrains itself and does not do what is good, then some other illegitimate, alien power (e.g., big business, or organized crime) will move in instead. Making government powerful is seen as a pragmatic

¹⁴E.g., J.G. Leyburn, *The Scotch-Irish in North America: A Social History*, (University of North Carolina Press, 1989).

way of keeping other powerful, evil forces in check.

Again, history has had an influence in the development of these ideas. For the early Presbyterian and Reformed thinkers in the US, the story of Cromwell was the prime example of the evils of unchecked power. In the 1600's, the king of England dissolved Parliament and attempted to stamp out the Puritan movement. The Scottish Presbyterians supported the English Puritans (which loosely included members of three groups: English Presbyterians, Quakers, and pious Anglicans) and eventually put Cromwell, a military man from an "Independent" church similar to the Quakers, in charge of the government. Cromwell executed the king, and soon began to persecute Presbyterians and to rule as a dictator. When Cromwell died, the English put a king back on the throne, and the Puritan movement was thoroughly discredited (both the Reformed and the Quaker varieties of Puritans, even though the Quakers and Presbyterians ended up opposing Cromwell). Large numbers of Puritans began to emigrate to America at that point, feeling that England was beyond hope, especially when the later kings began to attempt to force Scotland and North Ireland to convert to the Anglican church. From most accounts, Cromwell was originally a "good" man, who became corrupted by the absolute power he was given. The lesson learned was that no good man, whether king or church leader, should be given unlimited power.

By contrast, the German Mennonites and Brethren moved directly to America without an immediate experience in helping to lead a government. Their only experience with Christian government was Münster, in which the downfall came primarily from an outside attack by an overwhelming force, not from the corruption of the leaders themselves.

A third difference between the two philosophies is their views on the goodness of humans and the wrath of God. The Reformed view sees all people as thoroughly sinful and deserving of God's wrath. There is no problem with the existence of hell because God is completely just in condemning sinful people to such a punishment. The Quaker-Mennonite view, on the other hand, acknowledges that people do evil, but sees all people as reformable, with some good in them even now. In a sense, the evil deeds of men are not the "real" person, but rather the consequences of an evil society. The existence of hell is problematic in this view. How can a good God condemn people to hell forever? This problem has led some to embrace "liberal theology," which rejects the idea of hell altogether (and therefore also the passages of the Bible which teach about hell), while for others, hell is taken as real but

not essentially a result of wrath. Instead, it is seen as a place of “separation” from God, or “annihilation”—in a sense, the best God can do for someone who does not want to be near him. God’s wrath is taken as always against deeds and not against people themselves.

This difference leads to different views of the Cross. The Reformed view sees in the Cross the outpouring of God’s wrath on Jesus which justly could have fallen on sinful people. This “judicial” view of the Cross, taught in Paul’s letter to the Romans, rests on the assumption that people are sinful enough to deserve real wrath, and it implies that “salvation” is primarily the escape from God’s judgment by way of Christ’s substitutionary death.

In the leftist view, the Cross is primarily the supreme example of God, as Christ, giving up his authority and allowing himself to be destroyed. This view is supported, for instance, in the Gospel and Letters of John. Salvation is seen essentially as the formation of a relationship with God, leading to the indwelling of the Holy Spirit, which leads us to follow Christ’s example of service and self-abnegation.

Of course, the Bible teaches that God demonstrated both his wrath and his self-giving love in the Cross, and “conservative” Christians of both leftist and rightist varieties have always acknowledged this. God as the Father pours out his anger (a common view, that Jesus died to satisfy the wrath of *Satan*, is heretical), and God the Son lays down his life and willingly suffers for others. We are both saved from God’s wrath and saved to a new relationship with him. Lest one think that Paul and John taught different doctrines, John’s book of Revelation clearly teaches that Jesus himself will ride the white horse and execute wrath in the Final Judgment, while Paul frequently emphasizes the servanthood of Christ, e.g. in his letter to the Philippians. This balance between God’s wrath and his love is one of the great tensions of Christianity.

The difference in understanding this tension works out into the political world in very real ways. While some pacifists reject even the idea of police, judges and jails, many do endorse these institutions, but with a very different view of them than the Right. In the leftist view, such institutions primarily serve the purpose of reforming the criminal, and possibly also deterring other criminals. Their work is therefore primarily “redemptive.” The Quakers called their prisons in Pennsylvania “penitentiaries” for this reason—they were to be places of reform and penitence. By contrast, the Reformed view sees these institutions as primarily working out wrath—punishment of the guilty out of the demands of justice, regardless of whether they happen to

also work to change behavior. In doing so, the judge is taking up the mantle of God, so to speak. This revolts the leftist, because no person has the right to take up that kind of authority in the leftist view. For the rightist, authorities are good, ordained by God to be agents of God's wrath (as taught by Paul in chapter 13 of his letter to the Romans, mentioned above.)

It would be incorrect to say that the Reformed view teaches that everything everyone does is evil. Reformed theology says that people are "totally" depraved (sinful to some degree in everything they do) but not "utterly" depraved (as bad as they can possibly be.) Non-Christians have "common grace" that allows them to know truth and do some good things, and Christians, once they are born again, have the Holy Spirit in their hearts causing them to do good. But this change is never complete—sinful impulses remain even in Christians. The reason why absolute power corrupts absolutely is that all men, even good men, are sinners, in the Reformed view. At the same time, the Reformed view sees some people as truly evil (although God could change them), and therefore sees the Quaker hope of reforming all people, and the hope of ending all wars by appealing to the good nature of one's enemies, as hopeless naivete.

It would also be incorrect to say that the Reformed view teaches men to execute judgment on every sin. The Old Testament is actually a foundation for the idea of limited government—according to the Law of Moses, judges must follow due process (including letting the guilty go free if there is insufficient evidence), and only certain crimes may be punished, not just anything the judge wants. In executing God's wrath, the human judge is not trying to replace the final judgment of God, as if every sin could be rooted out here by judges who are themselves sinful, but rather, the human judge punishes what is *obviously* evil, because to do otherwise would amount to tacit approval of the act. As discussed in Section 4.2.1, if a man were to rape a woman in broad daylight in the marketplace of a town, and the people did nothing about it, it would not be taken as a statement of grace, but rather, as a statement to all women that they are oppressed.

Another important consequence of the difference in regard to human sinfulness is seen in the way the two movements have approached cultural interaction. In the rightist view, just as evil people exist, so also evil cultures exist, since cultures are nothing more than the common practices of people. Although people are judged individually, it is naive to think that parents do not pass their practices on to their children, or that there are no group attributes in addition to individual attributes. The Left does not deny the

existence of group attributes, i.e., cultural norms, but in the view of the Left, cultural attributes are neutral, and no culture is superior to another. In the rightist view, some cultures are more evil than others just as some people are more evil than others, although no one is so evil that they cannot be redeemed, and no one is good enough to not need God's redemption.

This view of the Right is equated with "prejudice" by the Left, while the Right thinks of it as merely realism. In its best version, this view of the Right equates merely to realistic wariness, while rejecting prejudice in the sense of punishing people for crimes they have not personally committed, i.e., punishing children for the sins of the fathers. In other words, if a culture such as the Gypsies is known for theft, wariness in dealing with Gypsies is warranted (people should have "freedom of association," which means they do not have to interact with other cultures if they choose not to), but denying Gypsies from equal treatment under the law is not acceptable. This is the theory. In practice, this distinction has often been lost for many members of the Right, and they have sometimes approved of unequal treatment of certain groups under the law, as in the Trail of Tears and the Jim Crow laws of the South.

On the other side, the desire of the Left to see goodness in all people has led them sometimes to extreme naivete, for example, the Victorian image of the "noble savage," the pagan who is basically good even though he operates within a pagan world view. In some cases, this desire led to theological liberalism, which says that Christianity has nothing distinctive to teach to non-Christians, and consequently implies an end to missions. In leftist churches which are not theologically liberal, the desire to uphold the virtue of pagan cultures has still sometimes led to "syncretism," mixing pagan superstitions and practices with Christianity out of the desire not to offend the pagans. Syncretism is usually popular at the time but condemned by later generations as compromise; for example, early missionaries evangelizing the northern European tribes incorporated Germanic sexism and war-glory into Christianity as "chivalry," which now seems so alien to us; in South America, black magic and demon worship were incorporated into Christianity and not strongly condemned by the Catholic church there.

Sometimes leftist naivete regarding other cultures has led to backlash prejudice. The liberal white who believes blacks or Indians are just the same as whites, who then lives among them, often ends up "burnt out" when the other culture does not live up to his or her expectations, exhibiting real evil in ways that whites do not. Rather than accepting that different

cultures may need grace in different ways, some liberal Christians end up far more prejudiced than rightists who take these evils in stride as part of their expectations. Another variety of leftist prejudice is “paternalism,” in which the liberal views himself as a sort of superior parent of the other culture, assuming that they will naturally want to follow his ideas of right and wrong once they are educated properly.

In summarizing any broad movements, one always runs the danger of over-generalizing. Clearly, people exist who would call themselves “leftist” or “rightist” who would disagree with some of my characterizations. Yet despite the exceptions, I think that they are valid in general. The Christian Left tends to reject the idea of a just war and to recoil at the idea of judgments solely for the purpose of standing in the place of God, executing wrath. The Christian Right tends to embrace these things. The Christian Left tends to reject the applicability of the Old Testament Law, while the Right generally embraces it. The Left tends much more to rely on the “Spirit-led” conscience for ethical judgments rather than the letter of the Bible, while the Right sees “each man doing what is right in his own eyes” as a recipe for chaos. The Right tends to feel prejudice is often simply realism, while the Left tends to reject prejudice at all costs, to the point of sometimes pretending that evils in other cultures are not really evil.

As seen in this survey, the differences do not lie only at the level of single issues, but involve fundamental concepts of theology. What is God like? Can he change his morality, calling something good at one time that he calls evil at another? Does he feel and execute wrath, and does he want us to feel the same way also? What does it mean to be Christlike? Are people basically good?

A.3 The Rise and Fall of the Movements

As mentioned above, members of both groups moved to North America in great numbers over a period of about a hundred years starting at the end of the 1600's, following the fiasco of the Puritan revolution and Cromwell. In their own ways, each group was highly idealistic. Each had two major stated goals: to evangelize the Indians and to set up a “city on a hill” in the New World, a distinctly Christian society free of the compromised religion of Europe.

On the Reformed side, there were two distinctly different groups, the

Scottish Presbyterians and the English Reformed Puritans. (Most Scottish Presbyterians who came to America had lived in Northern Ireland prior to coming to America. Although many of them intermarried with Irish converts and French and English Protestant immigrants to Northern Ireland, almost all people of “Irish” decent in America before the year 1850 were actually of Scottish decent, leading to the term “Scotch-Irish.”)¹⁵ While the Presbyterians and the Reformed Puritans shared much of the same theology, they did not mix very well as people groups. The English Puritans arrived earlier, in New England, and mostly stayed there. When the Scotch-Irish Presbyterians arrived there, they were mostly viewed by the New Englanders as foreign and somewhat uncouth. The Scottish, for their part, were more interested in pressing inland and settling new territories. Therefore the Presbyterians migrated into Pennsylvania, and from there into Virginia, North Carolina, Tennessee, Texas, and eventually in the 1800’s to the rest of the South and West. As they migrated, many of them converted to being Baptists. The Presbyterian church, with its insistence on seminary training for its pastors, simply did not produce enough pastors to fill the pulpits of enough churches to keep up with the tremendous population growth and territorial expansion. The Baptist church, by contrast, while also holding to Reformed theology, quickly adopted a program of lay evangelists and pastors, allowing “battle-field commissions” to a great number of new leaders on the frontier.

The Brethren, Quakers, and Mennonites mostly settled in Pennsylvania, or William Penn’s Woods. William Penn was a Quaker who recruited widely from the European continent, especially Germany, with the intent of creating a Christian society based on Quaker principles. These settlers mainly stayed in Pennsylvania, gradually expanding westward into Ohio and Indiana; in the 1800’s many of them moved to places like Kansas and Iowa in the West with the explicit purpose of influencing the laws in newly created states regarding slavery.

The other two main religious groups, Anglicans and Catholics, tended to stay on the East Coast. Their political philosophy tended to make them want to keep closely connected to Europe and the religious hierarchies there. Even after the Revolution, Anglicans stayed well connected to the English state church and felt much more affinity for English culture than for the frontier.

In the 1700’s, the Great Awakening began in New England through the preaching of Jonathan Edwards and George Whitfield, which led to great re-

¹⁵J.G. Leyburn, *op. cit.*

vitalization of the Reformed churches—though also to a definite split between “liberal” and “conservative” theologians and churches for the first time. At the same time, revival also swept into the Anglican churches via the preaching of Wesley and Asbury. The revival within the Anglican church led to the formation of the Methodist church, essentially an Anglican church but with Wesley’s emphasis on “method”—in particular, the methodical use of revivals and calls to personal conversion. Like the Baptist church, the Methodist church also allowed lay preachers, which allowed it also to expand quickly on the frontier.

Though similar in many ways, the revival movements of Wesley and Asbury on one side, and Edwards and Whitfield on the other side, had very different theology. These two revival movements led for the first time also to a definite split between the “Calvinist” and “Arminian” churches.

Eventually, the Wesleyan revival movement expanded beyond the Methodist churches into the Baptist churches. Overall, this revivalist movement (which has continued to this day via the work of Charles Finney and D.L. Moody in the 1800’s and Billy Sunday and Billy Graham in the 1900’s) has tended to avoid politics, emphasizing personal conversion instead, but at times has veered strongly into politics on single issues, sometimes on the Left and sometimes on the Right. Not having a political philosophy of its own (many in this movement have held to the view that Jesus would come back in their lifetimes, making politics on this earth mere “polishing the brass on the Titanic”), this group has tended to be influenced one way or another by the Christian Left and the Christian Right at different times.

The sharp difference between the Christian Right and Christian Left became evident in the French and Indian war. The Quakers, who ran Pennsylvania, had adopted a policy of trust and pacifism toward the Indians. On one hand, they insisted on honest purchases of land from the Indians, and on the other hand, they refused to build an army or forts to protect the people. When the French influenced the Indians to break the peace and to attack the settlers in Pennsylvania, they were completely unprepared. The atrocities committed by the Indians (rape and disfigurement of women, terrorism, torture of prisoners, defiling the dead, and massacres of whole towns) were previously unknown to the settlers and led to the hatred of Indians (“the only good Indian is a dead Indian”) that would last for the next 150 years. Prior to that, most American Christians had harbored hopes of evangelizing and befriending the Indians; afterwards, even Christian Indians were deemed dangerous and untrustworthy. Even the Declaration of Independence codifies

this hatred of the Indians. The Indians, for their part, justly felt robbed of lands taken illegally by squatters, and initially, many or most of the colonists recognized these claims and banned squatting on Indian lands. The *style* of the Indians' warfare was so odious to the settlers, however, that all other considerations were lost. Many felt that the atrocities by the Indians justified any means against them, including using some of the Indians' tactics against themselves, such as massacres of whole villages and scalping.¹⁶

The Quakers and pacifists were seen as hopelessly naive, and the Quaker leadership was voted out in Pennsylvania, never to return to power. The Left had been discredited, and would remain so for the next 100 years. The Scotch-Irish settlers quickly formed armies and attacked the Indians, defeating them with the aid of the British armies.

The Revolution, 50 years later, provided another just war for the Christian Right. The king of England called it the "Presbyterian War" because the armies of the US consisted mainly of Scotch-Irish Presbyterians, with whom the kings of England had fought since the 1600's; in fact, the reason they were in America was because they had been persecuted in Scotland and Ireland. The stimulus of the Revolution for many of the colonists was the report that the king was sending a bishop to America to establish a state Anglican church; when he had sent a bishop to Northern Ireland to establish the Anglican church there, Presbyterians had been severely persecuted and had lost basic rights including the right to be married or the right to hold office unless they converted to Anglicanism.

It is safe to say that the US Constitution, which codifies the idea of limited government and separation of powers, was through and through an expression of the political views of the Christian Right. There were actually very few Presbyterians involved in the writing of the Constitution. But there is no question that the appearance of a deliberately self-limited government was a unique event in history. It was not necessary for Presbyterians to be there in great numbers because the Reformed political view of limited government had become the universal political language in America. "Lex Rex," the idea that the law is above the king, was assumed by all, even if they had never read the works of Samuel Rutherford.

Besides Samuel Rutherford, the writings of the English Reformed Puritan John Locke defined the political world view of the Christian Right at the time of the writing of the Constitution. His philosophy, which included

¹⁶J.G. Leyburn, *op. cit.*

the ideas of personal human rights, free trade, and separation of powers, fit naturally with the ideas of the Christian Right, and his writings were embraced by Jonathan Edwards and other Reformed thinkers—free trade, personal rights, and separation of powers all tended to limit the power of government while defining the role of a legitimate government. Locke's views on free trade, which were eventually expanded by Adam Smith, became the basis of capitalism and have remained part of the philosophy of the Christian Right to this day. Locke's influence is so great that one is tempted to trace the origin of the Right entirely to him instead of to Reformed Scotland. But Locke had limited influence in England, his home country. It was in America, populated by displaced Reformed Puritans and Scotch-Irish, where his views came to fruition. His views on free will and God's sovereignty also fit naturally with Calvinism.

It was not long after the Revolution that the Christian Right was to have its first tests. The first test was in regard to the Indians. The hatred and fear of the Indians which still persisted from the French and Indian War, coupled with the selfish desire for the land of the Indians, led to the passing of a federal law in the early 1800's requiring all Indians to move west of the Mississippi. In particular, this affected the Cherokee Indians in Georgia, who had largely become Christian and had adopted European culture. Many Christians spoke out in favor of the Indians and defended their interests, and eventually the case came before the Supreme Court, which ruled the law a breach of treaty and unconstitutional. The President's famous words were, effectively, "The Supreme Court has ruled. Now let it enforce the ruling." Since only the President has executive power under the Constitution, the President felt free to ignore the ruling, and the Supreme Court was powerless to do anything. The expatriation of the Indians proceeded, in the famous "Trail of Tears." Thousands of Indians died as they were forced to march over a thousand miles. The once-Christian Cherokee nation had every reason to turn its back on a religion that did not honor its treaties. Hundreds of years of evangelism of the Indians were swept away by this bitter memory.

It is easy to condemn the Americans involved in this incident, which was essentially a land grab based on treaty breaking based on prejudice. Without excusing them, one can gain perhaps understand the mindset of the people by thinking of the present-day "Megan's laws." In recent years, there has been a great outrage from people who found that sex offenders released from prison lived in their neighborhoods. Laws have been rushed through the statehouses in our day which arguably trample on ex-convicts' legal rights,

for the purpose of protecting the innocent. If a person who was well known to have uncontrollable criminal tendencies lived next to you, how would you feel? Similar reactions have been seen in Europe in regard to Gypsies, who are widely believed to teach their children how to deceive and steal. The memory of the French and Indian War was still vivid, and there is no doubt that some Indian tribes were indeed despicably violent (one of the biggest problems was the fact that the settlers mostly did not distinguish between different Indian tribes, some of which were violent and some of which were not.) The breaking of a treaty, which the Bible condemns, was justified in the settlers' minds by the fact that the Indians had broken the treaty first. Often if a single Indian committed a murder, this was viewed as evidence that the Indians were again on the warpath.

Many Christians protested this injustice, but the fact remains that the President had the sympathy of much of the country. In particular, the President had the support of many of the Christian Right, including the Presbyterian church, especially in the South. Although the Presbyterian and Reformed settlers had started in New England and Pennsylvania, within 100 years they had mostly migrated south and west, leading to a new geographical division of the country which persists to this day: the South and West are dominated by the Christian Right, while the Northeast has both mixed character but is mostly dominated by the Left. The essential difference between Right and Left which led to the different attitudes toward the Indians came from their different attitudes about the sinfulness of man. As discussed above, a characteristic of the Christian Right to this day is its sense of being realistic about the sinfulness of people and the feeling that the Christian Left is merely naive and engaging in wishful thinking in trying to reform criminals and criminal cultures by integrating them into majority culture. Since Africans and American Indians were perceived as cultures which trained their children in various crimes, many people felt that they could never be integrated with the rest of American society.

There is no doubt that the Indians as a whole did not integrate well with American culture and continued to practice various crimes. But this did not justify the legal action against them in the Trail of Tears, and the Christian Right, who insisted on upholding laws, should have known better. The Christian Right still remained dominant in American politics, and anti-Indian feeling remained strong up to the beginning of the 20th century, but its credibility had been severely weakened by the Trail of Tears incident, at least among Christians. In other words, the Christian Right came to be seen

as less *Christian* than the Christian Left.

The second major test of the Christian Right was the issue of slavery. Again, the Christian Right began with its position of the realism about the sinfulness of people, and rejected what it viewed as the naive notion that blacks were no more criminal than other people. To this was coupled its high view of the Bible, which does not forbid slavery, and economic concerns (slaves were profitable in the South, where huge plantations were common), to arrive at the toleration, though not necessarily endorsement, of slavery. In contrast, total abolition of slavery became the central issue of the Christian Left, so that they came to be called Abolitionists. The sentimental view of the Christian Left was expressed eloquently in *Uncle Tom's Cabin*, a book which actually contains far more Christian evangelism than political argument, including deep themes on the issue of suffering in general.¹⁷

Although the Bible (both Old and New Testaments) allows slavery, as it does divorce, polygamy, and war, as concessions to human sinfulness, it has numerous laws limiting slavery, as discussed in Section 6.5. Had the Christian Right been consistent in its use of the Bible, obedience to these laws would have prevented most of the abuses documented in *Uncle Tom's Cabin*. The Bible requires masters to give ample supplies to slaves who are set free, forbids slave catching (in the Bible, slaves can only be legitimately be obtained as captives in a just war or if people sell themselves to escape poverty), forbids breaking up the marriages of slaves, gives slaves the right to take their masters to court for injuries, forbids masters from killing slaves (though corporal punishment is allowed) and forbids returning runaway slaves to their masters against their will. In addition, slavery longer than seven years is called "oppression," and is forbidden for Hebrew slaves. If these laws were obeyed, slavery would not look much like American slavery at all, but more like indentured servanthood, which many European people used as a way to escape poverty. One can even argue that biblical slavery/servanthood can be more compassionate than contractual labor in pure capitalism. As John Steinbeck argued eloquently in *The Grapes of Wrath*¹⁸ a century later, an owner will feed a slave all year long, but an employer who pays a worker hourly feels no obligation to feed the workers when the work is done.

Indeed, at the time of the American Revolution, the economic and legal

¹⁷H.B. Stowe, *Uncle Tom's Cabin*, (National Era, 1852; reprinted by Simon & Brown, 2012).

¹⁸J. Steinbeck, *The Grapes of Wrath*, (Viking Press, 1939; reprinted by Penguin Books, 2002).

status of African slaves was not much different from that of European indentured servants. Their situation gradually worsened, however, as the South and the Christian Right moved even further from the Bible's norms, partly in reaction against the pressure of the Christian Left. Contorted arguments were made from the Bible to justify the treatment of African slaves; in particular, many people argued that Africans were descended from Ham, the son of Noah (a highly disputable notion which is nowhere stated in the Bible), that since Canaan the son of Ham was cursed, all descendants of Ham were cursed (which is also not stated in the Bible), and that since they were under a curse, whites were justified in having separate laws for them (although the Old Testament explicitly forbids having different laws for different people, whether native or foreign.)

There were notable exceptions. The Covenanter Presbyterians, one of the most conservative Presbyterian churches, took the Old Testament laws about slaves literally including the law forbidding returning escaped slaves to their masters, and therefore helped in the Underground Railway. The Baptist and Methodist churches, which at that time were theologically conservative, evangelized the Africans and American Indians and generally supported their legal rights. Even those churches could not imagine a complete integration with Africans, however, and therefore set up separate, parallel churches (such as the Missionary Baptist and the African Methodist Episcopal churches) or had separate seating in their churches for blacks.

As is well known, the conflict between the mostly Northern Abolitionists and the Southern conservatives led to the Civil War. The Christian Left, though certainly correct in its assessment of the injustice of slavery laws, pursued a remedy which was viewed by rightists as attempting to vastly increase the power of the central, federal government in Washington. In so doing, the Left began its embrace of "big government," which, as discussed above, does not scare the Left because all government is fundamentally illegitimate, whether big or small, and therefore any good end which can be obtained by pressure on this illegitimate power is acceptable.

By pursuing this approach, the Christian Left gave the Right a moral rallying point. For Christians in the South, the issue of the Civil War was not slavery, but states' rights, i.e., whether the US Constitution would be upheld, and ultimately, whether the US would be a country ruled by the letter of the law or by whatever interpretation of the law that people felt was good at the time. For the Left, this insistence on the letter of the Constitution was just a smoke screen, hiding the fact that the Right really did not have

compassion on the African slaves and was simply using the law not to avoid change. Therefore both sides felt a high morality to their position and felt justified in the war.

Many modern historians have argued that the Civil War was not really about moral issues at all, but only economics, and some Christians have agreed. This view reflects the modern, Marxist-influenced view that all history is merely economics. It is true that the South had an economic interest in maintaining slavery, and the North had an economic interest in abolishing it. If the economic czars of the day had appealed only to economics, however, no one would have volunteered for the war. One must ask what caused thousands of men to volunteer to fight, at the risk of their lives and the loss of their families. What would make a man voluntarily sign up, knowing that doing so could cause his death, and leave his family exposed for years without income or protection against criminals? The people who signed up for the war were not impoverished men hoping to better their fortunes. They came predominantly from the middle and upper classes. Two things caused this. First, it was a universal European trait to despise a coward and to honor those who were brave in battle. Many men cherished the opportunity to prove themselves in battle, even if the cause were not just. Second, many people on both sides uncompromisingly believed their cause was just. For the North, it was to rescue the oppressed and to punish the rebel against proper authority. For the South, it was to oppose the foreign tyrant who made capricious laws, just as in the Revolution against England.

The defeat of the South ultimately legitimized the morality of the North, so that to this day almost no one questions whether slavery should return or whether the federal government has the right to make a law on just about anything it wants. Although sentimental hearts might be expected to recoil at the suffering which the war had produced, the Abolitionists declared that all the suffering in the South the just retribution of God's hand for the sin of slavery. The Christian Right was discredited, and the Christian Left, energized by the glorious victory, began a long series of efforts to use the power of the Federal government to right wrongs in society. This movement, which eventually became known as the Progressive movement, took up the causes such as labor reform, anti-trust laws, the income tax, women's suffrage, and Prohibition. It was influenced by new thinking at the German universities at the time, but had strongly Christian themes in the US, and was led by Christian evangelicals such as William Jennings Bryan.

The Christian Right, where it existed at all, gave only marginal opposi-

tion to these efforts; those who stood against it were mostly anti-Christians such as Mencken and Dewey. Just as *Uncle Tom's Cabin* had inflamed people against slavery, the writings of Charles Dickens and Jacob Riis (*How the Other Half Lives*) inflamed the people to deal with the poverty of the industrial age. Surprisingly, the Progressive movement quickly ceased to be strongly concerned about the African slaves freed in the Civil War. In the years immediately after the Civil War, the period known as the Reconstruction, many progressives, who controlled the Republican Party at the time, did attempt to rewrite Southern laws to ensure equality. In the face of ongoing Southern hostility and resistance to these attempts, however, eventually Northern progressives became more concerned about Northern problems, namely, the deterioration of the condition of factory workers and immigrants in the North. At the end of the Reconstruction, Southern states all had in place the famous "Jim Crow" laws as well as a secret army of KKK volunteers, which kept blacks in a situation not much different from slavery.

Again, it is easy to condemn Jim Crow laws, which violated the biblical principle of equal treatment under the law, and the KKK, which was simply vigilantism, which is also condemned by the Old Testament, but in the minds of many Southerners, without these means their society would have collapsed into anarchy. The famous scenes in *Gone With the Wind* in which Scarlet is nearly attacked in an ex-slave settlement, after which the men go on a KKK expedition to clean it out, illustrates the rationale of the Southerners for these things—the need to control crime. Thus in both the Trail of Tears and the Jim Crow laws, the Christian Right followed what it had condemned in the Left: violating the written law of the land, and the law of the Bible, on the basis of an ends-justify-the-means argument. The Progressive movement of the Christian Left did not strongly speak out against these things; they had turned to other battles, the full extent of the terror against blacks in the South was not always known, and perhaps the Left also shared some of the fears of other whites that the blacks could not be completely trusted.

The labor laws, anti-trust laws, and the income tax which were pushed through by the Progressive movement gave the federal government essentially total control over every detail of the economy, the right to look into everyone's business, instead of control only over interstate commerce, as had been written in the Constitution. It seems hard to imagine now that Bible-quoting Christians of all types insisted on these changes. To understand them, one must remember the squalor of poverty which existed in Northern cities in utter contrast to the industrial "barons." The power of these magnates was

so great that it competed with that of the Federal government, but unlike the government, they felt no need to answer for the suffering of the people.¹⁹ The labor laws, anti-trust laws, and the income tax were all designed to break the power of the rich and to give only a small portion of their wealth to the poor. No one then could have imagined a federal government that took 60% of the income of people; all of the discussion centered around a tax of 1 or 2% of income. The amendment to the Constitution which allowed an income tax did not specify an upper bound, however.

Besides labor reform, the Progressive movement also strongly pursued women's suffrage and Prohibition. It is hard for us to imagine now why Christians did not originally give women the right to vote in the United States. Did they not think women were people? To ask that is to betray a lack of understanding of early European and American culture. Men in those days certainly did think of women as people. It simply did not occur to them to give women the vote, however, because of their concept of roles and classes in society. The idea of "stations in life" was deeply embedded in European culture up until the middle of the 20th century. This view sees all people as equal before God, but given different "stations," or roles to play out in life. Only a few men of the "upper classes" were called to have a role in politics; not only women but also lower-class men and children were not included in government. Those in the upper stations were not to use this power selfishly; the concept of "noblesse oblige" demanded that they use their gifts for the benefit of those in the lower stations. This system of one hand washing the other is called "patronage" and is common in almost all non-Western cultures in the world today; one might argue it all peoples naturally gravitate toward it if there is not direct opposition to it.

It is worth stepping back to ask whether acceptance of this type of class society is intrinsic to the Christian Right. On one hand, it is clear that the early Reformers such as Calvin and Luther embraced the concept of nobility and classes; the Larger Westminster Catechism, which historically was one of the definitions of Reformed theology, supports the idea of deference to upper classes in its discussion of submitting to "superiors." More recently, the secular book, *The Conservative Mind*, which made a tremendous impact in the conservative movement in the 1950's,²⁰ listed as a tenet of conservatism

¹⁹At one point, J.P. Morgan wrote a personal check to bail out the debt of the US federal government. See, e.g., J. Strouse, *Morgan: American Financier*, (Harper Perennial, 2000).

²⁰R. Kirk, *Conservative Mind: From Burke to Eliot*, (Regnery Publishing, 1953).

the necessity of classes in society. As discussed above, however, the roots of the American Christian Right lie in the Scottish Reformation, not in the English Tory and Continental royalist movements. The Scotch-Irish Presbyterian immigrants to America were intensely egalitarian and suspicious of anyone setting himself up as an elite. The Presbyterian and Baptist churches on the frontier rejected the class favoritism seen in the churches of the East Coast. The biblical concept of equal treatment under the law took hold in Christian Right in America and eventually led to a strong reaction against the concept of nobility and upper classes. The Right did, however, embrace the right to private property and the consequent inequality of wealth in society, based not on birth but on hard work and risk taking. They also gave great respect to their pastors and elders in the churches and their elected political representatives, but they gave this honor on the basis of merit and democratic vote, not birth, and they resented any such person who put on airs, acting superior to others.

The majority of the Christian Right to this day embrace the idea of male headship in the family and the church, even while they embrace women's right to vote and equal treatment under the law. Is this an inconsistent holdover from a previous age? They would not see it that way. First, male headship in the home is clearly taught in the Bible as well as equal treatment under the law. In the modern conservative Christian view, male headship is not a legal right, but a voluntary submission by Christian women, following the example of Christ who submitted voluntarily to the Father even though equal to him (this model for submission of women in the home is taught explicitly in the New Testament.)

Of course, this type of distinction was not always so clear historically. The Christian Right was fractured and discredited after the Civil War, and did not assist women's suffrage, but rather, came around to embracing it later. Those people who cared about this issue joined the Progressive movement. Notably, the Progressive movement which sought to give women the vote also worked hard to keep women *out* of certain dangerous jobs as part of its labor reform, embracing the idea of equality but different roles (also known as "first-wave feminism"). Theodore Roosevelt, a political standard bearer for the Progressives, pushed for expansion of governmental power in labor reform and while also urging from the White House that women stay home and have babies.

It is probably valid to say that women's suffrage succeeded because of the commitment of the Christian Left to Prohibition. Women overwhelm-

ingly supported Prohibition, and men who supported Prohibition supported women's suffrage as a means to their end. The strategy worked—soon after women's suffrage, the Constitutional Amendment instituting Prohibition was approved.

In Prohibition, the hermeneutics of the Christian Left are again apparent. The Bible does not forbid alcohol (as it does not strictly forbid slavery) but it has many obviously negative effects, and the Christian Left saw this expansion of governmental power as an acceptable means to a good end. The argument of limited government was not made strongly by Christians in the early 20th century, since the Christian Right had been discredited.

The perceived failure of Prohibition began the downfall of the Christian Left in the middle of the 20th century. (In historical fact, Prohibition was not such a failure as painted by the opposition. It was argued that organized crime increased due to Prohibition, but after Prohibition, organized crime did not drop so dramatically, and the drop was more due to J. Edgar Hoover's increasingly powerful FBI than to legalization of alcohol.) Christian leftists with their constant use of the government to change society were painted as self-righteous meddlers; not only Prohibition but also many labor laws were seen as intrusive usurpation of individual rights. The Christian Left was also portrayed as made up of ignorant country bumpkins in the propaganda of atheist writers like Mencken and Dewey, who also opposed their labor reforms. One of the great leaders of the Progressives, William Jennings Bryan, was painted as an ignorant fool for his role in the famous Scopes trial, at which he argued against evolution. This stereotype of Christians has persisted to this day and has been passed on to the Christian Right as a way of discrediting them.

World War II was more important than the failure of Prohibition, however, in the downfall of the Christian Left. Before both World War I and World War II, most Christians were strongly pacifist. Just as in the French and Indian War in the 1700's, the atrocities of the enemy discredited the pacifists. Chamberlain's "appeasement" of Hitler echoed the appeasement of the Indians by the Quakers in the 1700's, both with the same political effect. Americans universally perceived World War II as a just war, and pacifism became abhorrent. In addition, leftists tended to embrace communists, and in the 1950's, stories began to come out of Russia and China of the horrid atrocities going on there, including purges which led to the deaths of tens of millions of people, and punishment for all kinds of political and religious beliefs by years in concentration camps.

As the Christian Right had been discredited after the Civil War in the 1800's, the Christian Left was discredited after World War II. In each case, rightists and leftists continued to exist and to have power, but after the Civil War rightists were seen as less *Christian* than the Left, while after World War II, leftists remained powerful but were seen as less *Christian*. The same churches which had supported the leftist Progressive movement and Prohibition switched to supporting the anticommunists.

Civil Rights was the last great accomplishment of the Christian Left. Finally awakening to the plight of blacks in the South, the Christian Left marched for their cause in the 1950's. It is safe to say that without the Christian underpinnings of this movement, the South would never have embraced the change. The political actions of the blacks alone would have only met with increased resistance, had not many whites felt guilt over their treatment of blacks. Yet, as discussed in the next section, the Left by this time had become strongly mixed with communists and atheists, and by the 1960's had come to be perceived as having deserted the Bible altogether.

It may well be said that four wars, each a century apart, discredited each of these movements in turn. The English Civil War in the mid-1600's, which put Cromwell in power, discredited the Reformed Puritans and led them to flee to North America. The French and Indian War in the mid-1700's discredited the Quakers and pacifists, putting Presbyterians and conservatives in the driver's seat and leading Quakers and other pacifists to settle in marginalized communities. The Civil War in the mid-1800's discredited the Right, leading them to be isolated in the South. Finally, World War II, including the aftermath of Stalin's atrocities, discredited the Left, which had opposed confrontation of Hitler and which had befriended communists. Since then, the Christian Left has increasingly moved in its own ghettos.

In each case, the movement did not wither away at once; on the contrary, it was at its zenith at the time. Its failure to address real problems led to the seeds of discontent, however, and caused it to become intellectually dead. Instead of intellectual vigor, the movement fell back on pat answers which did not satisfy most Christians.

A.4 The Influence of Secular Movements

Before the 20th century, no one in America would have used the terms "Christian Left" or "Christian Right." Instead, a person would have been a Patriot,

or an Abolitionist, or a Progressive, etc. The terms “Right” and “Left” do not come from America but from the European politics of the 1800’s, and show the influence of other movements on the American scene.

The terms “Right” and “Left” come from the French political battles of the 1800’s, in which the Left was communist and the Right was royalist. This division would have made no sense in America at the time, where no one could have imagined supporting either royalty or communism. By the early 1900’s, however, the European leftist/communist movement had made its way to America.

The French Revolution was explicitly atheist and would be called communist in modern terms; Christianity was identified with the Roman Catholic church, which was part of the established order, and thousands of priests were killed and churches destroyed. This movement soon evolved into the dictatorship of Napoleon, who was eventually defeated by the European royalists. The French communists never took control again, but remained a powerful force in French politics up to the end of the 20th century, with several attempts to overthrow the government. Because Paris was the center of culture in Europe in the 1800’s, the influence of the communists was spread far and wide. In particular, the Russian intellectuals idolized the French, and Russian intellectuals by the end of the 1800’s had embraced communism. The Russian revolution was also explicitly atheist, and it successfully stamped out Christianity in the Soviet Union for most of the 20th century. Russia exported communism and supported it financially all over the world, including in the United States. Thousands of communist organizers in the US were supported by the Soviet Union. Although it is a byword now that McCarthy went too far in trying to purge communists, it is nevertheless well established that Russia did indeed have a plan for hostile infiltration of the US and succeeded in finding and supporting many sympathizers in the media, the protest movements, and the universities.²¹

It is hard to imagine now, but in the first half of the 1900’s, many American Bible-believing Christians openly embraced communism. They had supported the labor movement and labor reform, and communists seemed to stand for the same thing—the ideal of communal ownership appealed to many people (some people believe the early church in the book of Acts in the Bible lived this way.) As discussed above, the Progressives supported the idea of “big government,” including governmental control over the econ-

²¹A. Coulter, *Treason*, (Crown Forum, 2003).

omy to solve social problems. Joseph Stalin was “Uncle Joe” in World War II, partly because of the propaganda efforts of President Roosevelt, who sympathized with communism and who expanded the power of the Federal government in the US tremendously,²² and partly because many Americans sympathized with the ideals of communism. The enemies of the Progressives in the early 1900’s were atheist capitalists such as Mencken who believed in the virtue of grinding the weak under foot, and since these people also hated the communists, many Christians followed the dictum, “The enemy of my enemy is my friend.”

The mixing with atheist communists eventually did have effects on the Christian Left. First, it led them to become apologists for the atrocities of the communists. A hallmark of the Christian Left up to the end of the 20th century was its ambivalence toward communism. On one hand, they mostly did not directly advocate communism. On the other hand, they tended to deny the validity of reports on atrocities in communist countries, attributing these reports to right-wing exaggeration. Malcolm Muggeridge²³ and Alexander Solzhenitsyn,²⁴ two famous writers who documented the atrocities, were dismissed as rightist propagandists well into the 1980’s. In the 1950’s, word only slowly leaked out of the communist countries, and the communists had slick propaganda which presented a good image to the West, including official “show churches” whose leaders told the West all was well, so that it was easy to doubt the stories of atrocities and suffering. This image only crumbled at the end of the 1980’s, with the fall of the Berlin wall and Eastern European communism.

Second, the Christian Left came to embrace morality which would have shocked Progressives in the early part of the century. By the end of the 20th century the Christian Left had mostly embraced homosexual rights and abortion rights. They did not necessarily advocate these practices, but insisted on the legal right to do these things, on the basis that Christians do not have the right to force their morality on others. Progressives in the first half of the century would have found this argument strange; they felt no compunction in enforcing morality, whether in child labor laws, desegregation, or, most famously, Prohibition. By the end of the 20th century, some of the Christian Left supported abortion and homosexual rights because they had moved to

²²J. Goldberg, *Liberal Fascism*, (Doubleday, 2008).

²³M. Muggeridge, *Winter in Moscow*, (Eyre & Spottiswoode, 1934).

²⁴A.I. Solzhenitsyn, *The Gulag Archipelago*, (Harper and Row, 1973).

theological liberalism, an explicit rejection of the validity of the morality of the Bible. A substantial fraction of the Christian Left, however, namely the “evangelical” Left, maintained the belief that these actions are sinful, but nevertheless advocated legal tolerance. While they might well argue this position based on various passages in the Bible, there is also no question that they did not come up with these positions on their own; these issues were pressed on them by secular leftists with whom they frequently associated. The Democratic Party of the US essentially has not allowed anti-abortion or anti-homosexual members to have any voice in leadership since the 1980’s, and therefore evangelicals in the Democratic Party had, at minimum, to remain silent on these issues.

In one sense, this evolution can be seen as simply an extension of the Progressive desire to continue to change society. First, blacks are given rights, then women, then homosexuals. In another sense, it is a sea change. The old liberalism believed in absolutes of good and evil, and it felt a high moral calling to change society to conform to the good. The new liberalism embraces the idea of moral relativism, that one person cannot tell others what is wrong. Taken to its logical extreme, this would seem to undercut the entire basis of progressivism, by saying that no one can call any society unjust by any absolute standard.

On the other side, secular conservatism had great influence on the Right in the second half of the 20th century. When word started to arrive in the US in the 1950’s of the atrocities of the communists, in particular the rampant persecution of Christians documented by believers such as Brother Andrew,²⁵ Christians began to rally to the anti-communist banner. By their side they found the secular capitalists who had been the enemies of fundamentalist Christians when they were Progressives, particularly in the Republican Party. On the principle that “the enemy of my enemy is my friend,” evangelical Christians began to listen to economic conservative arguments. Some of the argumentation for capitalism came from Reformed Calvinist arguments, with roots in John Locke, Adam Smith, and Max Weber. But many of these arguments were made on the basis of another, atheist anti-communist movement, called Objectivism in its philosophical form and Libertarianism in its political form, led by the Russian emigré Ayn Rand.²⁶ Ayn Rand resonated

²⁵J. Sherrill, E. Sherrill, and Brother Andrew, *God’s Smuggler*, (New American Library, 1967; reprinted by Chosen Books, 2001).

²⁶A. Rand, *The Virtue of Selfishness*, (New American Library, 1964).

with many conservative Christians, because she taught the objectivity of truth in the face of the increasing subjectivism of the day and because she spoke out against the communists. Her world view was entirely atheistic, however, and the Libertarian world view has several elements which directly contradict the Bible. For example, it is common in Libertarian argument to say that all government is equivalent to nothing more than thugs who have power. As discussed in Chapter 2, the Bible says that the institution of government is established by God, even if particular governments are evil. Libertarians also reject the idea of universal morality, saying that the only legitimate action of government is preventing harm of one person against another against his will, and not preventing harm of a person against himself or harm against a person who consents to it. Therefore Libertarians support legalization of drugs, prostitution, gambling and abortion. The Bible teaches a universal morality, and the Old Testament precedent of the Bible contains many cases of laws which have the aim of preventing self-harm, such as the prohibition of prostitution.

Prior to the middle of the twentieth century, royalists had little influence on Christians in America; the Christian Right which led the charge of the American Revolution hated royalists, British royalists in particular. World War II changed this view. Americans came to see Winston Churchill and his royalist conservatives in England as heroic figures standing against evil. After World War II, the Christian Right embraced the British conservatives as fellow warriors in the battle against communism. British conservatives, however, explicitly embraced the idea of inequality under the law, with special rights for the nobility, something the early Christian Right fought strongly against in the American Revolution. American conservatives, of course, would never embrace an official class of nobles, but came to see social inequity as normal. As mentioned above, the influential book, *The Conservative Mind*, which some say defined modern conservatism, explicitly embraces social inequities as good and proper. The Roman Catholic school of conservatism also had great influence on evangelicals and the conservative movement as a whole. Within the Catholic church there has been a strong tradition of the study of law, dating back to the European schools of law of the middle ages. Many of these scholars were connected to the English Conservative party, which began as the Catholic and Anglican pro-monarchist Tory movement of the 1700's.

The result of this embracing of Libertarians and British conservatives has been a near-complete reversal from the aims of the Progressive movement

among fundamentalist Christians. Many in the Christian Right embrace a fairly bleak picture of letting the poor starve if they can't find work, letting ignorant people suffer from poor choices such as drugs and gambling, and letting large corporations run by the upper classes hire workers for extremely low wages in dangerous conditions, if the person foolishly agrees to it. If this leads to a permanent underclass, so be it. It was revealing that Gary Bauer, a representative of the "Christian Right," banned the term "compassionate conservatism," coined by the evangelical ex-communist Marvin Olasky,²⁷ as though compassion has no place in conservatism. The Christian Right would say that churches should help the poor instead of the government, and if the government did not take so much in taxes, the churches could do far more. Many very conservative churches do work actively to help the poor. But even in this work there is often a strong undercurrent of "letting a person suffer the consequences of his own poor choices." If God treated us this way, who could be saved? The Bible constantly talks of intervention to compassionately save people from the consequences of their own poor choices. Even if the government is not commissioned to do this, the church is.

A.5 The Future of the Movements

Can these movements ever get together? Often, the rhetoric of each side paints the other side as purely evil, or at best, naively manipulated by evil powers, hardly the basis of reconciliation. Yet there is no denying that there have been solid Bible-believers on both sides throughout history.

The European influence on the Left colors the way leftists see the left-right spectrum. In Europe, both the Christian Left and the Christian Right were essentially nonexistent after the 1800's; unbelief and nominalism took over in Europe by the end of the 1800's, following the apparently devastating attacks on biblical Christianity by Hume in Scotland and the higher critical movement in Germany. The Christian response to these attacks in Europe, typified by Kierkegaard, was mostly to redefine Christianity as an irrational leap of faith, a personal experience of "transcendence" rather than objective, historical truth. Those who would afterward call themselves "Bible believers" in Europe mostly belonged to the "pietist" movement. This movement emphasized personal piety, in the form of Bible reading, worship and song,

²⁷M. Olasky, *op. cit.*

and good works such as feeding the poor, but did not emphasize involvement in evangelism, missions, or politics. These “public” activities were seen as fruitless since a person could only know that the Bible is true by a personal, private, “transcendent” experience. The last great openly Christian involvement in European politics was Wilberforce, who led the Abolition movement in England; Progressives following in his footsteps who worked for labor reform existed in England up through the late 1800’s, but on the European continent, evangelical Christian involvement in politics was negligible throughout the 1800’s and 1900’s.

Because of this, the main opposition to leftists in Europe came not from Christian Bible-believers but from royalists and Nazis, who embraced the idea of a class society with ruling classes and underclasses, superior races and inferior ones. For this reason the Left in Europe and, by extension, leftists in the US, therefore came to equate the Christian Right with Nazis. This is completely artificial. The Christian Right has had only small influence from British royalist conservatives and none from the Nazis, who added the goal of a totalitarian government to the idea of a class society, a goal which is far more compatible with communism. The Nazi party was, after all, the “National Socialist” party, and Hitler’s embraced a view of Big Government that was quite socialist, except that he extended the social contract only to those of the proper race²⁸ British and American conservatives fought against the Nazis in World War II and continue to despise them.

The other false charge made by the Left against the Right is that the Right wants to set up a “theocracy,” something like the Spanish Inquisition. This is partly the result of deliberate, false propaganda to discredit the Right. Anti-Christian humanists in the 1800’s painted a picture of Calvin’s Geneva and Puritan New England as horribly intolerant (defining the word “puritanical” as perhaps our greatest bugaboo). In historical fact, these places were not so intolerant (judged by comparison to other societies of the same day) and the condemnation of them by later historians was largely an exercise of self-justification, just as a person who feels guilty around a good person often mocks the good person as “self-righteous” or “judgmental.” And regardless of the past, the modern Christian Right simply has no desire or plan to set up a theocracy. It is proper to say that the Christian Right would like

²⁸Jonah Goldberg has documented the socialist roots of fascism and Nazism in his book *Liberal Fascism: The Secret History of the American Left, From Mussolini to the Politics of Meaning*, (Doubleday, 2008).

to make America “a Christian nation,” but by this they mean one which generally avoids extreme violations of God’s laws but still has a large degree of tolerance. The beliefs in personal freedom and independence from a snooping government are deep-rooted in the Christian Right.

Two criticisms of the Right are true to a fair degree. The first is that they do not largely appreciate the value of the reforms made by the Progressives in the first part of the 20th century, and the horrors of the poverty of those times, and so they can sound hollow in promoting a return to Laissez-Faire capitalism. The Christian Right does care about the poor, but it does not have a well-developed view on helping the poor other than saying that in a strong economy, everyone does better, just as all boats float higher when the tide rises. That is true, but to what degree does a strong economy depend on government interventions such as breaking up monopolies, preventing a permanent upper class by means of hefty inheritance taxes, and enforcing labor safety laws? If the Right would chide the Left for not learning from the real historical experience of communist societies, the Right must also be willing to learn from the real historical experience of Laissez-Faire capitalist societies.

Another valid criticism is that just as they do not appreciate the Progressive movement, the Right also does not have an accurate memory of the pre-Civil Rights days. Almost every black family in the US knows of some near relative or friend killed by racist terrorism. This is a recent memory, not a distant one, for most blacks. While the Right may want to tinker with the laws, it can not act as though the racist past of the US is some imagination of leftists. Many rightists view the 1950’s as a golden era” but for most blacks it was the “bad old days” when saying the wrong thing to a white could get you killed.

As stated above, one of the greatest weaknesses of the Left at the end of the twentieth century has been its intellectual deadness; most rightists have the experience of trying to engage a leftist in debate and finding that instead of a rational exchange of ideas, one faces merely ever shriller shouting. This is especially true on college campuses, where true intellectual dialogue has almost completely died. In the 1980’s, the pro-abortion-rights movement deliberately created the picture of the Christian Right as evil and full of “hate.” Mother Theresa has been condemned as an angel of death; Jerry Falwell as the next Hitler. An entire fictional conspiracy story has been created about how the Christian Right would like to create a neo-Nazi society, and this view has been popularized in books and movies such as *A Handmaiden’s*

Tale.²⁹ The Christian Left must repudiate this type of language if there is to be dialogue. While it is true that the Right has also poisoned the air with pejoratives against the Left, these are nowhere near the shrillness of the language by which the Left labels the Right as pure evil. A pro-abortion speaker on a panel discussion in a Bible Belt church would get a far more polite reception than an anti-abortion speaker at a liberal university.

Both movements have suffered from defending the sins of their leaders. Most notably, the Right rallied to President Nixon's side throughout Watergate, and the Left rallied to President Clinton when he committed perjury in regard to his sexual affairs. A major difference, however, is that Nixon resigned under pressure while Clinton did not. In general, the idea of "doing the honorable thing" and resigning is more typical of the Right than the Left. Part of the reason for the intransigence of the Left is the view of many leftists that the Right are evil Nazis, and therefore any means of preventing the Right from getting power is justifiable, and any admission of weakness is unacceptable because it will give evil forces the upper hand.

The greatest question facing each movement is how it will define itself in the future. As discussed above, the Right has no interest in "theocracy," that is, control of the government by a church. At the same time, the Right does believe that the church should be an advocate telling the government to enact righteous laws. This leads to a tension. Exactly what laws should the church advocate? There is agreement on certain issues, such as abortion, but there is no general, comprehensive plan for legal change in the long run. Without such a plan, the Right is open to attacks from the Left which imagine a secret, hidden agenda of the Right to do all kinds of evil things.

In particular, there is disagreement on the Right regarding how to regard religious freedom. Some on the Right argue for complete freedom for all religions, embracing the idea of the secular state. The problem they face is that some religions seem atrocious, and allowing anything at all in the name of religion seems to be a slippery slope. For example, devil worship is on the rise in the Western world. Should a nation tolerate this? Would no one be bothered by a neighbor invoking spirits to curse him? Some may say that this is a stereotype of devil worship, and actually devil worshippers are peaceable and loving, but what if a person does call down curses on another? Should this be tolerated? What if a religion involves sexual orgies as part of its worship? (This was common in the Roman Empire.) What if a religion seems

²⁹M. Atwood, *The Handmaid's Tale*, (McClelland & Stewart, 1985).

to deceive its members for profit, as some accuse of Scientology, or seems to use brainwashing to keep its members under control, as some accuse of the Moonies? What if a religion involves drug use? Many national evangelical Christians supported the freedom of Native Americans to use peyote, an illegal hallucinogen, in their worship services as a religious freedom. Can sex cults be allowed on the same grounds? Is anything legitimate if someone feels religious about it?

Others on the Right argue that no state can be devoid of a national religion, and that if no official religion is chosen, then secularism itself will be that religion. Secularism is a world view that says that religion is unimportant, that God is irrelevant to most of life. This view itself has huge religious implications. By forbidding prayer and religious displays in public places, the US effectively “establishes” secularism as a religion. Therefore many on the Right would like to affirm Christianity as the official religion. This shocks many people, because they assume that this means that other religions would be forbidden and persecuted. This does not follow; a country may have an official religion without persecuting all others. Every nation defines a “circle of tolerance,” a range of freedom in which people may operate, but beyond which a person may not go. A secular state is no different—in the American secular state at the beginning of the 21st century, racism and sexism are not tolerated, and carry severe legal penalties. A Christian state could be similar—much can be tolerated, without tolerating everything. The question is not whether to draw a line, but where.

Even among members of the Christian Right who embrace the idea of official Christianity, however, there is disagreement about where to draw the line of the “circle of tolerance” in a Christian state. At one extreme are theonomists, who would say that the entire law of Moses should be adapted to modern society. On the other extreme, “dispensationalists” argue that the advent of Christ overturns the whole Old Testament, and we must look only to the New Testament for direction regarding laws. There are many intermediate views as well. This ongoing debate is evidence of intellectual vitality, but until there is consensus on what the Right wants, they will often work against each other.

The Christian Left also faces tensions about its long-range vision. Few in the Christian Left support communism these days, but many support socialism. (The word “socialism” often means the same thing in Europe as communism, but in the US it connotes a state in which the government controls the entire economy, but allows other freedoms. In Europe, this sys-

tem, which is the basic form of government in all countries, is called “social democracy.”) In general, the Left in the US is enamored with Europe and wishes that the US had a system of government similar to that of Europe. In the 1990’s, however, almost all European social democracies fell into an economic and social crisis. This problem is two-fold. First, a system which awards generous economic benefits to the poor is likely to have significant immigration of the poor from other countries, and second, a system which heavily taxes those who work is likely to have significant emigration of the skilled and wealthy outward, known as “brain drain,” or simply the phenomenon of *Atlas Shrugged*, in which workers stop working when they feel they could do almost as well by not working.³⁰ Old-style communism prevented these problems by sealing its borders, e.g. the famous Berlin Wall, and by forcing people to work. Modern social democracies in Europe allow freedom of movement and freedom of work. They have experienced tremendous economic and social stresses as a result, first in the huge waves of immigration from impoverished nations, and second, in dropping levels of productivity and rising debt.

The waves of immigration have led to a backlash against immigrants in most European nations. The US, which has somewhat less generous social welfare programs, has experienced the same thing to a lesser degree. Unfortunately, much of this anti-immigrant backlash is couched in racist language, and the Left as a result has completely opposed all attempts to limit immigration, viewing all such attempts as racist. Many anti-immigration advocates simply see the issue in terms of mathematics—immigrants did not pay into the social welfare system but receive benefits from it, and therefore if the number of immigrants is large enough, the country must be bankrupted. They also question whether those immigrating who do not share the basic beliefs of the nation, for example, Muslims who do not believe in tolerating other religions, can be quickly integrated into the social fabric. By labeling all discussion of restricting immigration as racist, the Left has not seriously addressed these concerns.

In general, there is no clear philosophy in the Christian Left of exactly how much the government should do. The attitude has essentially been “more is better.” Without a clear philosophy of the limits of government, the Left will continue to be mistrusted by many people as they see the government continuing to encroach on their freedoms. The newspapers are filled with stories

³⁰A. Rand, *Atlas Shrugged*, (Random House, 1957).

of government regulators gone amok. As discussed above, although the Left comes from a background of seeing authority as a bad thing, in practice the Left is in the position of advocating far more authority for government than most empires in the world have ever known.

It would be trite to say that the Christian Right and Left should “split the difference” and come together. As discussed above, very basic issues separate the two world views. Nevertheless, there is much opportunity for the Christian Left and the Christian Right to work together. The true debate of the 21st century is not rightism vs. leftism but libertarianism vs. moral absolutism. The majority of secular youth today embrace both “economic conservatism” and “social libertarianism,” i.e., they support less welfare and freedom to have abortions. This is the position of libertarianism. There is a selfish consistency in this—they care about maintaining their comfortable lifestyle, and both high taxes and unplanned pregnancies would threaten that. Most Christians on both the Left and Right, by contrast, are very concerned about the poor and are also concerned about the helpless unborn.

The weakness of the Libertarian party should not be interpreted as weakness of the libertarian philosophy. The Libertarian party is weak because the two major parties in the US hold a lock on political power. Neither party is defined by a definite philosophy as much as by a history. The Republican Party began as the party of the Abolitionists and Progressives, and as such became the dominant party of the North. Since the North was heavily industrial, it eventually moved to becoming the party of the industrialists. The Democratic Party was the party of the South, and supported labor unions and Jim Crow laws (most labor unions had no interest in helping blacks at first; many unions formed with the express purpose of keeping good jobs out of the hands of minorities, who they felt would accept lower wages.) In the 20th century after Prohibition, both parties had moved to the “center,” that is, became mostly interested in economic prosperity, with the Republican party generally favoring lower taxes and laws that favored business, and the Democratic party generally favoring more government programs and labor unions.

In the 1970’s and 1980’s, however, new movements began to infiltrate the two parties. Many radicals of the 1960’s moved into leadership positions in the Democratic Party in the 1970’s. The 1960’s radicals embraced a grand plan of societal change in which beliefs and ethics would be radically changed from the traditional Christian view to include acceptance of abortion, casual sex, pornography and homosexuality. For many radicals, this was not mere

selfish indulgence but high-minded idealism: many philosophers taught (and still teach) that all social evils come from repressed sexuality, and setting people free sexually would remove their frustrations and make them all good citizens. Abortion was necessary for this sexual freedom since all birth control methods can fail. In the 1980's, Christians began to stand against this, and many of them moved into leadership positions in the Republican party. The term "Christian Right" was first coined at this time as a pejorative by the Left.

Moral conservatives have been accepted in the Republican party, while the Democratic party has completely rejected them. As discussed above, many in the Christian Right have supported Laissez Faire economics because of their alliance with economic conservatives, but might be more comfortable with greater government role to help the poor. George Bush's "compassionate conservatism," (based on the Christian writings of Marvin Olasky) which supported existing government programs for the poor, received great support among the Christian Right.

Many have described the present state of American politics as the "culture wars." Although few in the Democratic party explicitly advocate communism any more, the leadership of the Democratic party is still committed to "radicalism" in the sense of societal engineering. The watershed issue for the 21st century is abortion. While most politicians avoid mentioning it, the issue drives much of the behind-the-scenes machinations in the US. The position of the secular Left is much like that of the slave-owning South—the arguments don't really matter, because our lifestyle depends on it. The sexual revolution depends on the availability of abortion, since no birth control method is failsafe; when abortion rights are threatened, an entire way of life is threatened. Even further, new medical developments may make it profitable to use parts of aborted babies to keep others alive. With these stakes, it is hard to imagine compromise.

In the past twenty years, many conservative economic policies have been enacted with support from the Christian Right, but very little progress has been made on abortion or other moral issues important to the Christian Right. It remains to be seen whether evangelical Christians have the same tenacity as their anti-slave Abolitionist forebears. After 30 years many Christians seem ready to give up the fight. It remains to be seen whether the Republican Party can be transformed to a truly pro-life party, which might also embrace "compassionate conservatism," or if those who believe in universal morality might eventually form a new party, as Lincoln did when he

helped found the Republican party. If they did, they might find some in the Christian Left willing to ally with them.

Appendix B

A Critique of the Modern Pacifist Hermeneutic

To understand the modern debate about the legitimate use of force we must go back to the end of the nineteenth century. At that time, both Christians and secularists were taken up with optimism about the future of mankind. The Enlightenment, the scientific revolution and the industrial revolution seemed to promise a golden age ahead. In secular circles, this optimistic view was called “modernism.” In Christian circles, this optimism took the form of postmillennialism, a view of the future which says that before Christ returns there will be a “millennium,” that is, a golden age when Christians rule over the earth. It is beyond of the scope of this book to argue for or against this view, but it is notable that this view has tended to increase when times are good; more recently, at the end of the twentieth century, when the Soviet Union had collapsed and China had opened up, postmillennialism rose once again, promoted by authors as diverse as N.T. Wright and Doug Wilson. At the end of the nineteenth century, serious discussions were held by both modernists and Christians about the perfectibility of mankind, the possibility that science and education could wipe out all societal evils and illnesses, and the evolution of humans to a higher type of life.

The two world wars in the first half of the twentieth century, followed by the genocides of the communist empires, wiped out this optimism. Following World War II, a transitional period occurred in which people started to lose their modernist optimism about the role of science, governments, industry and technology in making all things better. In the midst of this, the well-known theologian Reinhold Niebuhr promoted a view known as

“Christian realism.”¹ This view flowed out of a view of the Bible known as “neo-orthodoxy,” also promoted by his brother H. Richard Niebuhr. Neo-orthodoxy holds to many of the classic beliefs of Christianity, but rejects the notion of the Bible as the inerrant Word of God. Instead, neo-orthodox theologians seek to find grains of truth within the Bible. Karl Barth, the founder of this movement, believed that people could find these grains of truth by a mystical spiritual experience, similar to the spiritual experiences of pietists and pentecostals.

Neo-orthodoxy rests on the modernist view that some parts of the Bible just can’t be believed by any serious modern person. It embraces that modernist view of natural science as the explainer of all things and the rejection of all things supernatural. For Niebuhr, this view extended to the ethics of the Bible—certain ethical principles just can’t be held as practical by modern people. In particular, Niebuhr believed that Jesus taught that we should not oppose evil in any way, but that this was a utopian vision. In a real world with real evils like the Nazis, armies need to exist to oppose them. Niebuhr was reacting in part to the widely perceived responsibility of the pacifist movements between the two world wars for allowing tyrants to prosper. As discussed in Appendix A, Hitler (and later, the Soviet Union) counted on the pacifist movements in the West to allow them to conquer and oppress whole nations.

In response to Niebuhr, pacifist theologians John Howard Yoder and Stanley Hauerwas, coming from the Anabaptist/Mennonite tradition discussion in Appendix A, developed what might they called the “Christ-centered” ethic.² These authors rejected the neo-orthodox view of Scripture and claimed a more authentic view of Bible interpretation. The popular evangelical author Ron Sider was influenced by these authors.

In many ways, our modern politics are still based largely on these two camps. Many leftists see themselves as closer to the vision of Jesus and see conservatives as those who engage in compromise and worldly pragmatism. Many Christians in the conservative camp do not have broad enough biblical understanding to be able to argue otherwise. Their arguments are often more about what is American than what is biblical.

In the rest of this appendix, I give an overview of the Yoder/Hauerwas

¹R. Niebuhr, *Christian Realism and Political Problems*, (Scribner, 1953).

²E.g., J.H. Yoder, *The Politics of Jesus*, (Eerdmans, 1994); S. Hauerwas, *The Peacable Kingdom*, (University of Notre Dame Press, 1991).

hermeneutic and contrast it with the Reformed hermeneutic. A “hermeneutic” is an interpretive framework for understanding the Bible. Like a theory in science, a hermeneutical framework affects how we interpret the data we see, and even what data we are willing to look at.

B.1 The “Christ-centered” Hermeneutic

As discussed in Section 2.1, those who argue that the use of force is always illegitimate tend to draw a sharp contrast between the ethics of the Old Testament and the New Testament, based on their reading of the Sermon on the Mount. One might therefore call this a “New-Testament-centric” viewpoint, a view which is common in evangelical circles.

Anabaptist/Mennonite thinking goes further, however, to focus ethics not just on the New Testament, but on the person of Christ as presented in the four Gospels. Hauerwas, in *The Peaceable Kingdom*, makes a strong argument that ethics must be rooted in the person of Jesus Christ, not in logical systems. One might call this then a “Christo-centric” viewpoint. Hardly any Christian could resist the appeal of a Christ-centered ethic.

But after establishing this basis, Hauerwas hardly touches on the actual life and teaching of Christ as recorded in the four Gospels. Hauerwas and other pacifist thinkers focus quickly in on just two elements of the Gospels: the Sermon on the Mount, and the Cross.

This focus on just a few passages is essential for their ethic. As discussed in Section 2.1, the Old Testament is full of passages not just permitting, but indeed commanding God’s people to set up a government, including the execution of penalties for crimes, and multiple commands to carry out the death penalty. The Old Testament also has numerous calls for the prosecution of wars. These are not treated as temporary evils, but as high callings based on the character of God himself. God is called a warrior and a just judge who executes penalties on those who do evil. One may argue that the New Testament period does away, not only with the nation of Israel, but with the whole concept of justice done by human governments, but one would have to argue that the character of God himself has changed if one wishes to argue that all war and justice are intrinsically evil. Yet Christian theology insists that God is eternal and unchanging.

Those who are uncomfortable with the notions of God’s wrath and justice therefore tend to avoid the Old Testament. Some would indeed argue that

God's character has changed, at least in relation to us, if not intrinsically. One approach to this is known as "progressive revelation." In this view, God revealed himself to people at an early stage as a warrior to gain their respect, but later shows himself with a different character to more mature people. There is certainly warrant for saying that God did reveal everything at once—the Bible frequently talks of things long hidden that are revealed later.³ But the things that are hidden are the *plans* of God, not his character.

And the New Testament affirms this character of the warrior God working justice. The book of Revelation is also distasteful to many Christians who do not like the idea of just judgements. But we cannot just discard the book of Revelation. Paul and Peter also affirm the good role of government, and locate this in the character of God himself: the governmental authority is "an avenger who carries out God's wrath" (Romans 13:4); they are "sent by him to punish those who do evil" (1 Peter 2:14). Numerous other passages in the New Testament talk of God's wrath on those who do not repent of evil deeds, and in fact, the exposition of the Gospel itself is rooted in our need to escape this wrath (e.g., Romans 1:18, 2:5). There is not a single author of the Epistles who does not talk about God's wrath and the destruction of the wicked.

The hermeneutic of Yoder and Hauerwas escapes all this by focusing in on the life of Christ. But again, even here there are problems. Jesus frequently talked about hell and the condemnation of the wicked—in fact, we learn more about hell from the lips of Jesus than from any other speaker in the Bible, Old Testament or New. He pronounces curses on the Pharisees and warns them of the "wrath to come" (Matthew 3:7, Luke 3:7) and tells long stories which end with the "gnashing of teeth." As discussed in Section 2.1, one might argue that wrath and justice are good, but reserved for God alone. But pacifists like Yoder and Hauerwas must also deal with other passages in the life of Christ which appear to affirm the propriety of earthly government and punishments:

- John the Baptist, who had a close relationship with Jesus, did not tell soldiers to forsake their profession, telling them only to be content with their pay (Luke 3:14). John the Baptist was no compromiser.
- Jesus said that he found great faith in the centurion (a leader of soldiers), but did not tell him to forsake his job, even though he told many

³E.g., Isaiah 48:6, 1 Corinthians 4:5, Ephesians 3:9, Colossians 1:26.

other people to forsake their jobs (Matthew 8:5-13) and many others to stop sinning.

- Jesus did not tell the tax collector Zacchaeus to forsake his job (Luke 19:1-10). Zacchaeus’s repentance consisted of giving back money he had defrauded and giving charity to the poor, but not quitting his job.
- Jesus told the disciples to buy swords, presumably to defend themselves (Luke 22:36). Some commentators have argued that this was to defend themselves against wild animals, but it is hardly likely to have been how the disciples would have understood this.
- Jesus specifically condemned the Pharisees for not upholding the death penalty, in one of the cases of the Law of Moses we are least likely to be sympathetic with: the case of a profligate and threatening son (Mark 7:9-13).
- Jesus physically whipped salesmen in the Temple (John 2:15), probably on more than one occasion. Some commentators have argued that he only whipped the animals, but the text says he whipped “them all.”

In practice, none of these passages play a large role in pacifist teaching on the life of Christ. As mentioned above, Hauerwas and others focus primarily on the Sermon on the Mount and the Cross. Yet even here, the Sermon on the Mount, taken as a whole, is problematic. Jesus starts out by affirming all of the laws of Moses (Matthew 5:17-19). His sermon has the nature of *increasing* the demands of Moses, not decreasing them. In the Sermon on the Mount, Jesus also several times refers to the wrath of God on sinners.⁴

The pacifist reading of the Sermon on the Mount therefore comes down to essentially a focus on the single verse, “do not resist the evil one.” And here, while we do not want to engage in “explaining away” any Scripture, the Reformed hermeneutic gives us a warning. The Reformed hermeneutic, which comes from the long line of scholars associated with the Reformation, such as Calvin, Luther, Whitfield, and Spurgeon, says that we are in danger when we take one verse out of context, and are safest in our interpretation when we allow the rest of Scripture to interpret Scripture. As discussed in Section 2.1, given the affirmation in the rest of Scripture of the role of

⁴Matthew 5:21-26, 29-30, 7:13, 19, 23.

government and the highly personal nature of the Sermon on the Mount, it is at least reasonable to suppose that Jesus was referring to personal sacrifice and not overturning the principle of governmental justice embodied in the Law of Moses, which he had just affirmed, down to the least line, a few sentences earlier.

As discussed in Section A.2, pacifist commentators also focus on the Cross as a paradigm on nonviolence. Christ's acceptance of his death is certainly a good example of personal refusal to engage in revenge, as enjoined in the Sermon on the Mount as well as in the Law of Moses. Yet as discussed in Section A.2, pacifists focus in on the passivity of Christ, while the New Testament presents a much broader picture of what happened there. The death of Jesus on the Cross was specifically for the purpose of fulfilling the justice that demanded a penalty. God is in action in two ways at the Cross: God the Son accepts the penalty for our sin, while God the Father pours out his justified anger at our sin (Romans 3:25-26, Colossians 2:13-14, Hebrews 9:11-15).

The Cross is a tremendous example of the humility of not self-seeking. But it is not merely that. And it does not tell us that the concept of justice, in which a strong third party rescues the oppressed and punishes the oppressor, is voided. Indeed, the meaning of the Cross comes from the fact that we are all oppressors who deserve punishment. At the same time, the Bible also uses the rescue theme, discussed in Section 2.1, to describe the Cross. We have made ourselves slaves of Satan through our sins, and in the Cross, Jesus rescues us and defeats Satan. Thus we are both the oppressors being punished vicariously through Christ, and the oppressed being rescued from our own oppressors by his power. Punishment and penalty are therefore not foreign to the Cross, but rather, essential to its meaning.

B.2 Justice in the Pacifist Hermeneutic

While pacifists reject the notion of justice which I have developed here, namely that of a strong third party intervening by force to rescue the oppressed and defeat the oppressor, they do have a strong theme of justice, to be worked out by people in this world. The Christian Left in general loves to read the prophets of the Old Testament with their calls for justice for the poor.

Justice, in this view, is equated with social justice, and rescue is equated

with crying out in protest, rather than with use of force. The idea of social justice focuses less on the crimes of individuals and instead looks at inequalities in social systems. This avoids identifying particular criminals to be punished, and indeed, may be part of a world view which avoids punishing criminals altogether, based on the view that these criminals may just be acting out of necessity in a system that gives them few other choices.

Leftist pacifists such as Ron Sider and Jim Wallis typically do not want to remain passive about social justice. Rescue, in this view, comes not from governmental powers using force justly, but from people crying out in protest against social injustices.

As discussed in Appendix A, this leads to the result which always puzzles conservatives, namely that leftists who largely reject the legitimacy of governmental power end up demanding more and more governmental power. The logic is as follows: “we” are never the government, we are the ones crying out to the government to do what is right to correct social injustice. There is no limit to what we may ask government to do, because the world is full of illegitimate powers, and we do well to ask them all to do as much as possible.

The concept of “social justice” for the poor is discussed in Section 6.1. In general, when the prophets of the Old Testament call for justice for the poor, they are not calling for a socialist system of redistribution of wealth. Rather, they are calling for legal justice for those who have no resources to defend themselves. This can include those who are robbed or cheated but have no money to pay for lawyers to bring charges, those who have been accused of crimes and have no money to pay for competent counsel, and those who have decisions against them made by judges who have taken bribes.

It suffices to say that the concept of using taxes to take money from the rich involuntarily and giving it to the poor would have been unknown in the ancient world. As discussed in Appendix A, this concept of social justice has arisen to large degree from the co-belligerency of the American Christian Left and the European and secular Left. Social pressure to participate in giving to the poor has a longstanding history in the Christian world, but the idea in Christian circles of using the force of government to collect taxes for this end dates to the rise of socialism and Marxism at the end of the 19th century.

In Israel, participation in the tithe given to the priests, which was partly used to support the priests themselves and partly given to the poor, was considered a social necessity for membership in the community. The priests under the Law of Moses did not have the right to use force to collect these

moneys, nor did the king and his government collect money for them. The Christian Left seems to fundamentally mix this category of social contract with the category of justice, which is always associated with punitive action against oppressors in the Bible. Talk of social justice in terms of tax money given to the poor is defended by the Christian Left in the language of social contract or societal agreement, not in terms of the threat of governmental police force. Yet government taxes can be defined as that money which is taken involuntarily by the threat of force. As discussed in Section 3.5, this does not mean that all taxes are illegitimate.

B.3 Approaches to Submission to Government

As discussed in Section 1.2, there is a range of types of pacifism which allow for more or less pragmatic compromises. The pragmatic pacifist view, which affirms the need for police and governmental agencies, but which rejects Christian participation in police forces, is probably more widespread among Christians than the absolute pacifist view, but is less coherent for a Christian. In saying that Christians may call on the government, but not act as police, these Christians are effectively setting up a caste system in which society requires a certain class of people to exist, but gives them no respect. Just as some societies have relied on “untouchables” to collect garbage or to deal with the dead, so these Christians effectively say that police play a needed role in society, but have jobs that are below a good Christian.

Presumably these Christians would not talk this way, but their actions imply it. By voting for politicians who direct the police to enforce laws, or by using tax money collected under the threat of punishment for tax evasion, (and perhaps, as discussed earlier, calling the police to help in a crisis) they use the police but do not convey respect for the acts done by the police. Some would justify this by saying that one is merely working within a system which one did not create, but imagine the implications if this attitude was applied to other jobs. At one extreme, imagine that a Christian claimed it was okay to use a slave master or a pimp in a country where such activities were legal, simply because they were part of a system which the Christian did not create. If the job is intrinsically evil, a system does not redeem using it. On the other hand, suppose that someone said that no Christian should be a garbage collector, and taught their children never to become garbage collectors, because collecting garbage is evil, while

at the same time constantly putting out garbage for collectors to take. No matter what their theology, would not others conclude that the Christian looked down on garbage collectors as people to be used but not respected?

As discussed above, some Christians in the Hauerwas/Yoder school of thought would separate the institution of government from the acts of police by talking of government as societal consensus. In this view, government can be good, but ideally should operate independent of the use of force; Christians might be Senators but never policemen. Here Libertarians have contributed well to the modern dialogue by constantly reminding us that government always in the end comes down to the use of force. If the government does not use force to collect taxes, it is no different from a private foundation that accepts voluntary donations. If the government does not use police to enforce its laws, most people will view them as optional.

A different issue is raised when looking at the legitimacy of particular agencies of the government. Some people are not pacifist in principle, but are effectively pacifist because they reject the legitimacy of a whole government or part of it, according to the type of reasoning given in Section 2.3. Some might, for example, believe that a certain agency of the government (e.g., the Department of Education, or the Department of Defense) is so corrupt that it is illegitimate, even though not all branches of government are. This is not fundamentally a type of pacifism, but a decision to not work with a particular corrupt institution. It may reflect having set too high a bar for legitimacy, but is not fundamentally incoherent, as the pragmatic pacifist view is.

There are also many views that embrace the use of force in principle, but reject particular types of acts of force, such as warfare, torture, the death penalty, etc. These views also are not fundamentally pacifist, but reflect debates about the specific means used by government, which I discuss in Chapter 4.

Appendix C

The Laffer Curve and Optimization

The “Laffer curve” is a basic economic concept originated to discuss tax rates.¹ Fig. C.1 shows the basic form. This curve is basic on two simple premises, or constraints. The first is that zero taxes leads to zero money for the government, which is obvious, and the second is that 100% confiscation of all money also leads to zero money for the government. This latter point follows from the simple premise that no one will work if the entire fruit of their labor is taken away.

The endpoints of the curve are therefore fixed at zero. This implies that the optimum is somewhere in the middle. Exactly where in the middle is the subject of much debate. Essentially, income to the government will increase as taxes increase up to the point where people begin to feel that their work is not well rewarded, in which case they will make other choices: moving away to a place with lower taxes (if this is possible), reducing the amount of their work, taking less risks to generate income, cheating by not reporting their income, etc.

The simple fact that the optimum is somewhere in the middle, as opposed to either extreme, immediately has implications even if we don’t know where that optimum is. It means that arguing for either extreme is not sensible. Yet this is how many leftists and rightists argue. Rightists often argue that less taxation is *always* better, while leftists often argue that more government

¹See, e.g., A.B. Laffer, S. Moore, and P. Tanous, *The End of Prosperity: How Higher Taxes Will Doom the Economy—If We Let It Happen*, (Threshold Editions, 2009).

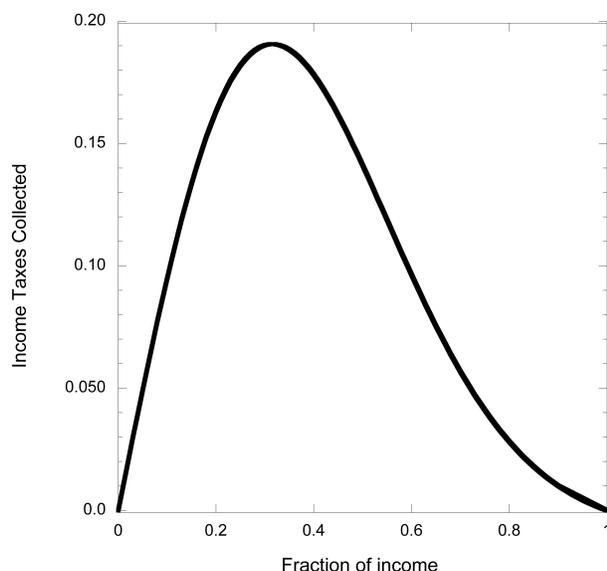


Figure C.1: A generic Laffer curve.

programs (requiring more taxation) are *always* better.

The same curve can be drawn for another situation. Instead of labeling the curves as in Fig. C, suppose that instead we labeled the horizontal axis “fraction of life subject to legal penalties” and the vertical axes “average personal happiness.” One can make an argument that this also will have the same type of Laffer curve. At one end, if there are no laws at all, then anarchy prevails, and each person lives in fear of other individuals, with rape, murder, theft, etc., unchecked. As laws increase, our fear of other individuals decreases. On the other extreme, if every single aspect of our lives is subject to a legal penalty, we have no freedom, and our fear of the government is at a maximum. This is the case of totalitarianism.

It stands to reason then that the optimum of law is somewhere in the middle, not at either extreme. This is true whether we are talking about “economic” laws or “moral” laws. As discussed in Section 7.1, there is a balance in how much personal risk we should allow people to take (with their money, health, or mental health), between allowing no risk at all (totalitarianism) or allowing all risks (anarchy). Yet people, again, tend to argue in the extreme: libertarian rightists tend to argue that less law is always

better, while leftists argue that any time something bad is happening, the government needs to step in to stop it, with no intrinsic limit to how much government is too much.

Those who avoid the extreme endpoints are often castigated as “moderates” who stand for nothing. But one can instead use the label of “optimization.” Our life is full of examples of things where the optimal position is somewhere in the middle, e.g., between gluttony and anorexia, between never working and being a workaholic, between driving as fast as a car can possibly go and driving at zero miles per hour.

A challenge to the left and right is then to propose their ideal optimum, instead of only arguing toward an extreme. What is the upper bound for a reasonable tax, for the rightist? Many would say 10%. For the leftist, what is the lower bound for a reasonable tax on the richest people? Many might accept 30%. The debate seems less formidable when we realize we are trying to find a number between 10 and 30.

For personal risk, it is harder to generate numbers, but the challenge is similar. At one end one can put things that have 100% chance of certain death, whether to myself or to others. At the other end are things that are perfectly harmless, and in between is a scale of increasing risk. Some people might be willing to accept risk at the level of 1% chance of death, while others risk at the level of .01%. In the spirit of Section 8.6, even without a universally accepted definition of acceptable risk, it is still helpful to realize one is making a judged decision about a point of optimality, instead of arguing toward extremes.

Appendix D

All the Laws of Moses

In writing a book on a Christian government, to not review the actual laws of the Bible would be a serious oversight. Many people simply do not know the content of the Law of Moses; they assume it is something like the laws of Islam or the Middle Ages.

As discussed in Section 1.2, technically *none* of the laws of Moses apply to Christians today; it is not our covenant document. Nevertheless, the New Testament and the church throughout the ages have made clear that there is an eternal, universal moral law that pervades the Law of Moses. In other words, the covenant of Moses includes as part of its fabric a number of moral principles that were not coined or invented at the time of Moses. Traditionally, Christian churches (notably, the Reformation churches) have taught that these universal moral principles are summarized in the Ten Commandments, which are also expounded in other parts of Scripture. Some Christian churches today would teach that that Sabbath law, which is one of the Ten Commandments, is not a universal moral principle. Although Jesus and Paul in the New Testament clearly rejected the way in which the Sabbath was practiced by the Pharisees, there is no clear statement either rejecting or affirming the Sabbath as a moral principle (although Jesus did say “the Sabbath was made for man,” indicating that it has some degree of intrinsic virtue) and so the moral demand of the Sabbath law remains a subject of debate among Christians.

The Bible is a book of covenants, that is, treaties of union, that God initiates with people. These various covenants can all be seen as part of one whole fabric of God’s dealing with mankind, sometimes called the overarching “covenant of grace.” In several of the covenants recorded in the Bible,

there are laws given. Some of these laws clearly have a universal moral content, while other laws have the function of reminding people of their relationship with God by ceremonies and traditions that are specific to that tradition. Even within the Old Testament of the Bible, practices during earlier covenants are overturned in later covenants; in particular, the practice of sacrifice is changed dramatically, with individual sacrifice allowed under the covenants of Noah and Abraham, then abolished under Moses, replaced by sacrifice only by Levitical priests, but allowed in many locations (e.g., 1 Samuel 9:12, 10:8), and then again changed at the covenant of David to being allowed only at the Temple in Jerusalem (Deuteronomy 12:5-14). In the New Covenant, Christians believe that sacrificial practice changed once again, to be fulfilled entirely by the death of Christ.

Covenants are recorded in the Bible in the following order. Some of them are given as “commissions” or “promises,” in which the word covenant is not always used at first, but they are later referred to as covenants. All of the following are part of a continuous history of God dealing with people in real time and space:

- Covenant of Adam (Genesis 1:28-30, Hosea 6:7)
- Covenant of Noah (Genesis 9:9-17)
- Covenant of Abraham (Genesis 15:18, 17:1-11)
- Covenant of Israel (Genesis 32:28-29, 1 Chronicles 16:17, Psalm 105:9-10)
- Covenant of Moses (Exodus 2:7-8, Deuteronomy 29:1)
- Covenant of David (2 Samuel 7:5-16, 2 Chronicles 21:7, Psalm 89:3, Jeremiah 33:21)
- Covenant of Jesus (Jeremiah 31:31-33, Matthew 26:28, Hebrews 7:22, 8:6-13)

Everything in the first five books of the Bible (called the Torah) is one covenant document, representing the covenant of Moses (edited into its final form by a later prophet or prophets). This covenant document records elements of earlier covenants and foreshadows the later ones. The Torah gives us the most detailed laws, which serve as the framework for a real society in the ancient Middle East.

In this appendix, the laws of the Torah are organized in a way that will make sense to modern readers. Of course, in doing this, I make judgment calls about what categories certain laws fall under. This is not usually so hard, as most of the chapters in these books deal with one type or another. There are a few chapters, however, often given the heading “sundry laws” in modern translations, that have a mix of different laws that must be sorted out by the reader. As discussed in Section 1.2, this is because the universal moral law is included in many places in one seamless garment with the sacrificial and civil law in the covenant of Moses, and for Jews under that covenant, it was not crucial to make distinctions. Nevertheless, even at that time, the different nature of the types of laws could be discerned, for example, in noting how the sacrificial law changed even in the history recorded by Moses.

On one hand, this may seem like a long list, but in another sense, it is very short. Compare, by contrast, the lawbooks of even a single state of the United States! The laws of Moses are not a byzantine maze of incomprehensible laws. They are a relatively short list of moral commands, with a few chapters of worked out examples, plus some lengthy sections of detailed instructions for temple worship, aimed only at the priest class and not at the common man or even the legal judge.

The main sections of law in Moses are as follows (significant moral law passages, that is, expositions of the Ten Commandments, are underlined):

Exodus

- Exodus 19. The Ten Commandments.
- Exodus 20:1-23:12. Detailed exposition of the Ten Commandments (“case law.”)
- Exodus 23:14-32. First generation commands.
- Exodus 25:1-31:11. First generation instructions for starting the Tabernacle worship.
- Exodus 31:12-17. Sabbath law.
- Exodus 34:11-25. Contrast of worship laws with those of pagans.
- Exodus 40:1-15. First generation instructions for starting the Tabernacle worship.

Leviticus

- Leviticus 1-8. Instructions for the daily Tabernacle sacrifices.
- Leviticus 11-15. Laws of cleanness.
- Leviticus 16. Rules for the priest on the Day of Atonement.
- Leviticus 17. General sacrificial laws. The significance of blood.
- Leviticus 18-20. Case law of the Ten Commandments (“abominations.”)
- Leviticus 21-22. Rules for priests (“profanations.”)
- Leviticus 23:1-24:9. Laws for Sabbath and annual festival practices.
- Leviticus 25. Sabbath year law.
- Leviticus 27. Laws of Tabernacle vows.

Numbers

- Numbers 4:1-33. Laws for division of labor among the priestly tribes.
- Numbers 5. Laws for priestly judgments.
- Numbers 6. The Nazirite vow.
- Numbers 9:1-14. Passover rules.
- Numbers 10:1-10. Rules for ceremonial trumpets.
- Numbers 15:1-31. General sacrificial laws.
- Numbers 18. Right of priests to tithes and offerings.
- Numbers 19. Laws of cleanness.
- Numbers 28-29. Sacrificial laws for priests.
- Numbers 30. Laws for vows.
- Numbers 34-36. First generation laws for division of the land for inheritances.

Deuteronomy

- Deuteronomy 5. The Ten Commandments (with general discussion in chapters 6-11)
- Deuteronomy 12:1-28. General sacrificial laws.
- Deuteronomy 12:29-13:18. Case law of first commandment.
- Deuteronomy 14:1-21. Laws of cleanness.
- Deuteronomy 14:22-28. Laws of tithes.
- Deuteronomy 15:1-18. Sabbath year laws.
- Deuteronomy 15:19-16:17. General sacrificial laws.
- Deuteronomy 16:18-17:13. Rules for judges (with two verses on worship in 16:21 and 17:1).
- Deuteronomy 17:14-20. Rules for kings.
- Deuteronomy 18:1-8. Rules for Levites.
- Deuteronomy 18:9-22. Rules for prophets.
- Deuteronomy 19. Rules for murder cases and cities of refuge.
- Deuteronomy 20. Rules for war.
- Deuteronomy 21:1-9. Sacrifice for an unsolved murder case.
- Deuteronomy 21:10-21. Rules for dysfunctional families.
- Deuteronomy 21:22-23. The significance of hanging on a tree.
- Deuteronomy 22. Case law of the Ten Commandments.
- Deuteronomy 23:1-14. Laws of Tabernacle access.
- Deuteronomy 23:15-23:24. Laws of the lower classes.
- Deuteronomy 24:1-5. Laws of divorce and marriage.
- Deuteronomy 24:6-25:3. Laws of concern for the poor and weak.

- Deuteronomy 25:5-10. Law of levirate marriage.
- Deuteronomy 25:11-16. Case law of the Ten Commandments.
- Deuteronomy 26. Rules for annual feast of first fruits.

A few things stand out in this list. First, the sections on the Ten Commandments and their case law are relatively few, indicated by the underlined passages in the list above. Second, the case law of the Ten Commandments is relatively well separated from other passages except in the book of Deuteronomy. Deuteronomy is a special case, which is essentially one long speech by Moses near the end of his life. It is not highly organized, but rather consists of an expansion of several laws in particular, with details for how the society should work, specifically for certain classes of people such as judges, priests, prophets, and royalty. Thus, civil law of specifics of Israel is connected to moral principles in many cases.

Some have argued that the placement of the case law of Leviticus 18-20 in the middle of sacrificial law of Leviticus shows that it is sacrificial in nature, and should not be considered as input for modern moral principles. But as seen in this list, all of the case law in Exodus and Deuteronomy is also surrounded by sacrificial law. What we see in the law of Moses in general is lengthy chapters on case law of the Ten Commandments, interspersed with lengthy chapters on sacrificial law, lengthy chapters on details of the construction of the Temple, lengthy chapters with stories, and lengthy chapters with specific rules for Israel's society. There is no overall restriction of one type of chapter to one book or another. Furthermore, the sabbath year law is given in Leviticus, which has strong implications for moral concerns for the poor and for the environment, so one cannot argue that Leviticus is only a book of sacrifices. The title "Leviticus" is not an original name, restricting it only to Levites; the books originally went by the simple names of 1 Moses, 2 Moses, 3 Moses, 4 Moses, and 5 Moses.

In the following sections, all of the laws of Moses are listed. In many cases a promise or a penalty is discussed in relation to a command. These are noted here, as well as other qualifying details sometimes recorded.

D.1 The Covenant of Adam

1. Be fruitful and multiply; rule and control the earth (Genesis 1:28-29, 9:1, 9:7).
2. Marriage. A man shall leave his parents and cleave to his wife (Genesis 2:24).
3. Do not eat from the tree of knowledge of good and evil (Genesis 2:17).

Penalty: death (enforced by God, by removing access to the tree of life) (Genesis 3:22).

Qualifications: No longer possible, since access to the Garden is removed (Genesis 3:23-24). Typological of the obligation to avoid all sin.

D.2 The Covenant of Noah

1. Do not drink blood (Genesis 9:4).
2. Do not murder (Genesis 9:5-6).

Penalty: Any human or animal that kills a human must be killed, by humans.

3. Be fruitful and multiply (Genesis 6:7).

D.3 The Covenant of Abraham

1. Circumcise all males (Genesis 17:10-14).

Penalty: an uncircumcised male shall be cut off from his people (excluded from the covenant community)

Qualifications: infant males to be circumcised on the eighth day after

birth; others upon conversion.

D.4 The Covenant of Moses

D.4.1 The Ten Commandments

Laws addressed to all generations, dealing with moral issues, with judgements and penalties administered by civil magistrates.

1. No worship of other gods (Exodus 20:3, 34:14, Deuteronomy 5:6-7, 6:13-15, 8:19-20, 11:16-21).

Penalty: the anger of the Lord; death (for worship, sacrifice, or enticement to worship other gods, or prophesy in their names) (Exodus 22:20, Deuteronomy 13, 17:2-7, 18:20).

Promise: the blessing of God (Exodus 23:25-31).

Qualifications: Worship literally means “to bow down to.” What is in view is not intellectual contemplation but physical acts of worship.

1a. Do not mention the names of other gods (Exodus 23:13).

1b. Demolish their temples and images (Exodus 23:24, Numbers 33:52, Deuteronomy 7:25-26, 12:2-3).

1c. No sacred stones (Leviticus 26:1).

1d. Destroy the city and do not rebuild it, if a whole city turns to other gods (Deuteronomy 13:12-18).

1e. Do not offer food to the dead (Deuteronomy 26:14).

1f. Fear God, and love him with all your heart, soul and strength (Deuteronomy 6:5, 10:12-13, 10:20, 11:1-15).

Penalty: the curse of God

Promise: the blessing of God in the land.

1g. Do not test God (Deuteronomy 6:16).

1h. Listen to the prophet of God (Deuteronomy 18:16-21).

Penalty: Those who do not will be called into account by God.

Qualifications: If any prophesy does not come true, then the speaker is a false prophet, and shall be put to death.

1i. Teach your children the law (Deuteronomy 4:9, 6:7-9, 11:18-20, 31:10-13).

Qualifications: Put reminders of the law on your houses and clothes (Numbers 15:37-41, Deuteronomy 22:12); praise God after meals (Deuteronomy 8:10).

1j. No sorcery (Exodus 22:18, Leviticus 18:23, Deuteronomy 18:10-12).

Penalty: death (Leviticus 20:27).

Qualifications: Includes divination (reading signs), witchcraft, mediums (talking with the dead), interpreting omens, casting spells, or spiritism.

2. No idols (images of God or a god) (Exodus 20:4-6, 20:23, 34:17; Leviticus 19:4, 26:1; Deuteronomy 4:15-27, 5:8-10, 16:21-22, 27:15).

Penalty: war, scattering to the nations (the curse of God).

2a. Worship God in his way, and do not copy idolators (Deuteronomy 12:4).

2b. No covenants with idolators (Exodus 23:32-33, 34:12-13, 15-16; Numbers 33:50-56; Deuteronomy 7:1-5, 20:16-18).

Penalty: They will be thorn in your side (Numbers 33:5).

Qualifications: Do not let them build idols in your land. (A covenant is a bonded alliance, not merely an agreement.)

2c. No intermarriage with idolators (Deuteronomy 7:3-4).

Qualifications: A man may marry a captive woman (who presumably must not practice idolatry thereafter), after one month of mourning and cleansing. He may not sell her as a slave thereafter (Deuteronomy 21:10-14).

3. No misuse of the name of God (Exodus 20:7, Leviticus 19:12, Deuteronomy 5:11).

Penalty: death for blasphemy (direct curse against God) (Leviticus 24:10-16)

4. Sabbath rest every seventh day (Exodus 20:8-11, 23:12, 31:14-17, 34:21; Leviticus 19:3, 19:30, 23:3, 26:2; Deuteronomy 5:12-15)

Penalty: death (in defiant cases) (Exodus 31:14-15, 35:2-3).

Qualifications: Not only you but your animals and workers should rest. It shall be a day of sacred assembly. You shall not even light a fire (Exodus 35:1-3), with the exception of the Sabbath offering (Numbers 28:9-10).

4a. Sabbath year on the seventh year: Hebrew slaves are to go free (Exodus 21:2; Deuteronomy 15:12-18); do not farm the land, so that the poor and the wild animals may eat (Exodus 23:10-11; Leviticus 25:1-7); cancel loan debts (but not legal penalty debts) to fellow Israelis (Deuteronomy 15:1-11).

Penalty: If neglected, God will lay waste the nation and let the land enjoy its Sabbaths by desolation (Leviticus 26:34-35).

Promise: If kept, God will give enough bounty in the sixth year to provide food for the following year (Leviticus 25:20-22).

Qualifications:

On freeing slaves: A slave's wife is to go too, unless originally owned by the master (Exodus 21:4). If so, a male slave may choose to stay with his wife for life and cannot be sold away (contracted by having his ear pierced) (Exodus 21:5-6; Deuteronomy 15:16-17). An owner cannot sell a girl to a foreigner—she must stay with the master or return to her family, or else have the rights of a daughter of the master (Exodus 21:7-11). An owner must amply supply a freed slave when he goes (Deuteronomy 15:13-15).

On land rest: No sowing, plowing, pruning, or mass harvest. All may eat of wild-growing fruit and other natural produce of the land.

4b. Year of Jubilee in the fiftieth year: a second sabbath year, and also all land returned to its original family owners (Leviticus 25:8-24).

Qualifications: The seller has the right to buy back the land for one year; after that, near relatives have the right to buy back the land before the Jubilee. The value of purchase of land is to be calculated based on the number of years until Jubilee. City dwellings are not included in Jubilee laws, except for homes owned by Levites, who have no other inheritance (Leviticus 25:25-34).

5. Honor your father and mother (Exodus 20:12, 21:15; Leviticus 19:3, 20:9; Deuteronomy 5:16, 27:16)

Penalty: death for attacking parents with intent to kill (Exodus 21:15); death for cursing parents, when also a profligate, drunkard, and rebellious son (Exodus 21:17, Deuteronomy 21:18-21).

Promise: you will live long in the land.

Qualifications: Parents must take a son to court—they do not have the right to put children to death.

5a. Rise in respect of the elderly (Leviticus 19:32).

5b. Do not curse a ruler (Exodus 22:28).

5c. Obey the “supreme court” of government (consisting of the high priest and an elected supreme judge), after which there is no further appeal (Deuteronomy 17:8-13).

Penalty: death, for contempt of court.

6. No murder (Genesis 9:5 6; Exodus 20:13, 21:12; Deuteronomy 5:17, 27:24).

Penalty: death for first-degree murder (Leviticus 24:17).

Qualifications:

Murder, not all killing, is clearly in view, since the death penalty is clearly commanded in many cases, and war is regulated, not prohibited. (See 6c below).

In the case of unintentional manslaughter, there is no death penalty, but the killer must remain in a city of refuge until the death of the current high priest (Exodus 21:13-14, Numbers 35:15-25, Deuteronomy 19). The guilty party may pay ransom to the family of the victim (or master, in the case of a slave) to escape punishment (Exodus 21:28-32; Leviticus 19:16; Deuteronomy 22:8). No ransom is allowed in the case of first-degree murder (Numbers 35:31).

Includes thieves murdered unnecessarily (there is no blanket right of self defense: appropriate response is required) (Exodus 22:2-3).

Includes slaves (Exodus 21:20).

Includes babies in the womb (Exodus 21:22-23). (The Hebrew in this verse is ambiguous, saying, in effect, “If her fruit departs from her, ...the one who hit her shall be fined, but there is harm, then you shall pay life for life.” Modern commentators have taken this to mean that if there is premature birth but no other harm, there shall be a fine, but there shall be life for life otherwise.) Child sacrifice is forbidden (Leviticus 18:21; Deuteronomy 18:10).

Cities of refuge: a person accused of murder may flee to a city of refuge and be kept safe until trial, and afterwards, if found innocent (Numbers 35:6-29, Deuteronomy 4:41-42). There must be well-marked roads to the cities of refuge, and cities in all local areas (Deuteronomy 19:3,9).

In the case of an unsolved murder in open country, the nearest town must vow that they had nothing to do with it (Deuteronomy 21:1-9).

If a person is hung on tree for the death penalty, do not leave the body up overnight (the person is accursed) (Deuteronomy 21:22-23).

6a. No injury (Exodus 21:18-32).

Penalty: payment (judged) or retributive injury.

Qualifications:

The injurer must pay for any loss of time and for the cost of healing in the case of nonpermanent injury (but not to one's own slaves) (Exodus 21:18-19, 21).

If a permanent injury is done by a master to his own slave, he must set the slave free (Exodus 21:26-27).

If there is permanent injury to a free man, at most equal injury may be demanded as retribution (an eye for an eye, etc.) (Leviticus 24:19-20).

Applies to babies in the womb (prematurely born) (Exodus 21:22-25).

No self-injury for fashion, grief etc. (Leviticus 19:27-28, Deuteronomy 14:1).

If woman permanently injures a man's private parts, the equivalent damage is to lose her hand (Deuteronomy 25:11).

6b. No kidnapping (Exodus 21:16; Deuteronomy 24:7).

Penalty: death, if the kidnapper sells the victim or is caught with the victim.

6c. Rules for war (Numbers 31:25-31; Deuteronomy 1:6-8, 2:4-6, Deuteronomy 20).

Allow the fainthearted, engaged, newly married, and those starting homes or farms to not fight.

Offer peace to your enemies (unconditional surrender, since no covenant can be made with idolators, per 2c above). If they refuse to make peace, slaughter (only) all men; do not destroy fruit trees or the land.

Divide the spoils with noncombatants; give a tribute to the priests.

Make war only in the land of your inheritance and do not provoke others to war.

Promise: God will go with you.

7. No adultery (Exodus 20:14; Leviticus 18:14, 15, 16, 20, 26; Deuteronomy 5:18).

Penalty: death (to both, if she was complicit, otherwise just the man) (Leviticus 20:10; Deuteronomy 22:22-27).

Qualifications:

Includes a pledged virgin (Deuteronomy 22:23-24).

In the case of seduction or rape of an unpledged virgin: he must marry her if her father gives permission, with no possibility of divorce; he must pay the bride's family in any case (Exodus 22:16-17, Deuteronomy 22:28-29). In the case of the seduction or rape of a slave girl who has been pledged to another: the same applies as for an unpledged virgin, and a sacrifice for sin must be made (Leviticus 19:20-22).

No prostitution (the father is held responsible) (Leviticus 19:29, Deuteronomy 23:17).

If a wife is suspected of adultery but there is no proof, she may make a vow of her innocence and take the test of “waters of bitterness;” if after drinking it her abdomen swells and thigh wastes (possibly meaning, if she miscarries), then she should be banished (Numbers 5:11-31).

If a man suspects his new wife of premarital promiscuity, her parents must produce proof of her virginity (presumably the bloodied wedding night bedding). If they have proof, then he shall be whipped and shall pay a huge fine to her parents, and he may never divorce her. If they can produce no evidence of her virginity, then the case is the same as for adultery (Deuteronomy 22:13-19).

Divorce is allowed in the case of “indecency” (interpreted by Jesus in Matthew 5:32 as sexual sin), but a man cannot remarry the same woman after she marries another (Deuteronomy 24:1-4).

7a. No bestial acts (sex with an animal) (Exodus 22:19; Leviticus 18:23; Deuteronomy 27:21).

Penalty: death (and kill the animal) (Leviticus 20:15-16).

7b. No incest (sex with near relative: mother, unrelated wife of father, sister (daughter of either father or mother), grandchild, aunt (or aunt in law), daughter-in-law, a mother and her daughter, or two sisters while both are living) (Leviticus 18; Deuteronomy 22:30, 27:20, 22-23).

Penalty: death (for parent-child); banishment (for sister); no children (for close relative). Presumably this last penalty is administered by God, though it could mean children from the relationship should be taken away (Leviticus 20:11-12, 14, 17, 19-21).

7c. No homosexual acts (Leviticus 18:22).

Penalty: death (Leviticus 20:12).

7d. No transvestitism (Deuteronomy 22:5).

8. No stealing (Exodus 20:15; Leviticus 19:11; Deuteronomy 5:19).

Penalty: repayment over and above what was taken.

4 or 5 times for a slaughtered ox or sheep (Exodus 22:1).

2 times for property still in possession which can be returned (Exodus 22:9).

1.2 times for “common” thefts (Leviticus 6:5, Numbers 5:5-7).

1 for 1 for violence to an animal (Leviticus 24:18).

In all cases, the criminal must offer a sacrifice for sin (Leviticus 6:6).

Qualifications:

Includes destruction of property due to criminal negligence (Exodus 21:33-36, 22:5-9).

A thief may be sold (to forced labor) to pay back the loss (Exodus 22:3).

In a questionable case of negligence, the accused may take an oath of innocence with no other penalty (Exodus 22:10-11).

Includes defrauding by deception (Leviticus 19:13, 35-36, Deuteronomy 25:13-16).

Includes holding back owed pay (Leviticus 19:13).

If the victim is dead and has no close relative, payment shall be made to the priests (Numbers 5:8).

Includes moving the boundary marker to fraudulently increase land ownership (Deuteronomy 19:14, 27:17).

No “finder’s keepers”: a finder must restore lost goods (Deuteronomy 22:1-4).

A poor person may eat produce in another’s fields, but may not take anything away with him (Deuteronomy 23:24-25).

9. No false witness (Exodus 20:16, 23:1-8; Deuteronomy 5:20).

Penalty: the same punishment as would have been given to the accused (Deuteronomy 19:16-20).

Qualifications:

The primary command regards lawcourts and vows. But all types of deception are forbidden (Leviticus 19:11).

No silence when witnesses are needed (Exodus 23:1-8).

No slander (Leviticus 19:16).

No gossip (Exodus 23:1).

A thoughtless sinful oath or silence requires a sacrifice for sin (Leviticus 5:1, 4, 5).

A person must confess (redress) any wrong statement (Leviticus 6:5).

Witnesses must be the first to cast stones, for capital crimes, thereby ensuring their bloodguilt if they were false witnesses (Deuteronomy 17:7).

9a. No unjust judging (failure to execute proper punishment, or punishing the innocent) (Exodus 23:7; Leviticus 19:15, 20:4-6; Deuteronomy 16:19-20, 25:1).

Penalty: The curse of God.

Promise: The blessing of God.

Qualifications:

Includes failure to administer death penalty (Leviticus 20:4, Deuteronomy 19:11-13).

Cannot avoid the death penalty for first-degree murder by a payment of money (Leviticus 27:29, Numbers 35:31).

No bribes (Exodus 23:8, Deuteronomy 27:25).

No ransom can be paid to a judge for release of a convicted manslayer from his parole (Numbers 35:32).

No favoritism to the poor or to the rich (Exodus 23:1-8; Leviticus 19:15; Deuteronomy 1:17, 27:19).

No partiality against aliens (Deuteronomy 1:16, 27:19).

One witness is not enough for conviction for any crime (Numbers 35:30, Deuteronomy 17:6, 19:15).

Judges must make a thorough investigation (Deuteronomy 13:14, 17:4, 19:18).

If a case is too difficult to judge, it may be referred to a higher court: ultimately to the supreme court of the high priest and the elected supreme judge (Deuteronomy 17:8-10).

A judge may impose flogging as a penalty, but no more than 40 lashes (Deuteronomy 25:2-3).

Fathers may not be put to death for their children, nor children put to death for their fathers (Deuteronomy 24:16).

Laws shall be the same for aliens as for native-born citizens (Numbers 9:14, 15:13-16).

Do not add to or subtract from the Law of God (Deuteronomy 4:2).

9b. Vows must be kept fully (and therefore do not make vows unnecessarily) (Numbers 30:1-16; Deuteronomy 23:21-22).

Penalty: the curse of God.

Qualifications:

A woman may be released from her vow if a man in authority over her (husband or father) nullifies it immediately upon hearing of it.

Take oaths in the Name of the Lord, and no other (Deuteronomy 10:20).

No prostitute's earnings can fulfill a vow (Deuteronomy 23:18). (Nor, presumably, earnings from any crime.)

10. No coveting (desiring or demanding what legitimately belongs to someone else, including both property and spouses) (Exodus 20:17; Deuteronomy 5:21).

10a. Do not hate your neighbor in your heart; rebuke him openly, and love him as yourself (Leviticus 19:17-18).

Qualifications:

No seeking personal revenge (Leviticus 19:8).

Includes aliens (Leviticus 19:33-34; Deuteronomy 10:19).

Help your brother's animals even if he isn't around (Deuteronomy 22:1-4).

10b. Be open-handed in giving to the poor (Deuteronomy 15:7-8); do not take advantage of a person's need to make money.

Penalty: the curse of God (in particular, war).

Qualifications:

Do not charge interest to the poor who borrow for need (Exodus 22:25-27; Leviticus 25:35-38).

Do not refuse to lend because the Sabbath year is coming (see 4a above) (Deuteronomy 15:9-11).

Do not shame a poor person who borrows from you (by going

in his house, like a master) (Deuteronomy 24:10-11).

Do not take a person's livelihood (millstones) or basic needs (cloak) as security for debt (Exodus 22:25-27; Deuteronomy 24:6, 10-13, 17).

Do not take advantage of aliens (Exodus 22:21, 23:9; Deuteronomy 24:14).

Do not take advantage of the handicapped (Leviticus 19:14, Deuteronomy 27:18).

Do not take advantage of a widow or orphan (Exodus 22:22-24).

If a slave comes to you for refuge, do not hand him back to his master (Deuteronomy 23:15-16).

Leave some of your crops and fruit in the fields after harvest for the poor (Deuteronomy 24:19-22).

10c. Laws to ensure preservation of the community wealth.

Land shall pass by inheritance from father to sons, with a double share for the firstborn even if he is the son of an unloved wife (Deuteronomy 21:15-17).

Daughters shall keep their father's inheritance if there are no sons, as long as they marry within the same tribal clan; otherwise the land shall go to descendants of the father's brothers (Numbers 27:1-11, 36:1-12).

A (presumably unmarried) brother should marry the widow of his dead brother (Deuteronomy 25:5-10)

Penalty: If he refuses, she may spit in his face.

Do not charge interest on loans to a brother Hebrew (Deuteronomy 23:19). You may charge interest to a foreigner (Deuteronomy 23:20).

10c. Laws to ensure that the government shall not oppress the people.

Civil leaders are to be elected (Deuteronomy 1:13, 16:18), including judges and military leaders.

A hereditary king is subject to the same law as all others; he must be native-born, he must not accumulate riches, he must read the Law of God every day, and he shall not hold himself superior to others (Deuteronomy

17:14-20).

Government may not impose duties on a married man for the first year of marriage (Deuteronomy 24:5).

Promise: a long reign

10d. Laws of kindness to animals and the land (see also Sabbath year laws, 4a, above, and rules for war, 6c).

Do not wipe out entire families of animals (“do not cook a goat in its mother’s milk,” “do not kill a mother and its young on the same day”) (Exodus 23:19, 34:26, Deuteronomy 14:21, Deuteronomy 22:6-7, Leviticus 22:26-28).

Do not mix breeds, seeds, yoked animals or cloth (Leviticus 19:19, Deuteronomy 22:9-11).

Do not pick the fruit of a tree for the first three years; in the fourth year donate all its fruits to the Lord. (Leviticus 19:23-25).

Promise: it will go well with you (Deuteronomy 22:7).

D.4.2 The Sacrificial Law

Laws dealing with sacrifices to God, with judgments and penalties administered by the priests, as well as God.

1. Go to the one place of God for sacrifices; no sacrifice in private places, only at God’s designated Tabernacle (Deuteronomy 12:5, Leviticus 17:4).

Qualifications: The Tabernacle was originally a movable tent, but was replaced by the Temple of Solomon built after the covenant of David.

1a. All men are to appear before the Lord at the place of sacrifice for three feasts per year (Exodus 23:14-19, 34:22-24; Leviticus 23, Numbers 28:26-29:40; Deuteronomy 16:9-17).

Passover (unleavened bread) in the spring (month 1); feast of First Fruits seven weeks later (Pentecost).

Harvest feast in the fall.

Tabernacles (ingathering) celebration in the fall.

1a(i). Laws for the yearly Passover feast (Exodus 12:14-20, 12:43-49, 13:6-10, 23:15, 34:18; Leviticus 23:4-8; Numbers 9:1-14, 28:16-25; Deuteronomy 16:1-8)

Penalty: violators are to be cut off from the people (banished) (Numbers 9:14).

Qualifications:

People on a journey, or ceremonially unclean, may celebrate one month later (Numbers 9:9-13).

Keep no leaven in bread or in the house: clean it out.

Seven days long (Deuteronomy 16:8).

1a(ii). Laws for the Day of Atonement (Leviticus 16, 23:26-32, Numbers 29:7-11). (Sacrificial goat, scape goat, the high priest enters the Holy of Holies, the people rest and confess their sins to God.)

1b. Laws for five types of sacrifices in the Tabernacle.

1b(i). Burnt Offering (Leviticus 1, 6:8-13, Numbers 28:1-8)

Promise: It will please the Lord.

Qualifications:

The sacrifice must be burnt up completely (Leviticus 6:8, 13).

Offer it daily, weekly (on Sabbath), and on the first of the month.

1b(ii). Grain Offering (food for priests) (Leviticus 2, 6:14-23, Numbers 2).

Promise: It will please the Lord.

Qualifications: a grain offering is to accompany all sacrifices (Numbers 15:1-21).

1b(iii). Fellowship (Peace) Offering (to eat meat, i.e., to have a party) (Leviticus 3, 7:1 9,11 21,28 36, 22:17 25)

Penalty: Violators shall be cut off from the people for desecration or for ignoring meat laws (Leviticus 17:4, 19:8).

Promise: It will please the Lord.

Qualifications:

Do not let meat sit more than three days.

Animals must be killed before priests, and the blood must be poured out.

People may slaughter animals in the fields if they live far from the Tabernacle (Deuteronomy 12:15-25).

1b(iv). Sin Offering (for uncleanness, or unintentional sin) (Leviticus 4, 5, 6:24 30, Numbers 15:22-29)

Promise: The Lord will forgive.

Qualifications:

Priests may eat the sacrifices.

Community sin requires a community sacrifice.

1b(v). Guilt Offering (for sins against holies, or for deliberate but repented sin) (Leviticus 5:14-19, 7:1-10)

Promise: The Lord will forgive.

Qualifications:

Priests may eat the sacrifices.

There is no sacrifice for a defiant (unrepentant) sinner; his or her guilt remains; a defiant sinner is to be cut off from the people (banished)

(Numbers 15:30-31).

1c. Do not sacrifice a defective animal (Leviticus 22:17-25, Deuteronomy 15:21-23, 17:1).

1d. Aliens (converted, but landless, residents) may also participate in the festivals and sacrifices (Numbers 9:14, 15:13-16).

1e. Certain persons are to be excluded from the Tabernacle assembly: emasculated men, descendants of forbidden marriages to the tenth generation, (unconverted) descendants of Ammon and Moab, and descendants of Edom to the third generation (Deuteronomy 23:1-8).

2. The firstfruits of the land belong to the Lord (Exodus 23:19, Leviticus 23:9-14, Numbers 18:11-13, Deuteronomy 18:4, 26:1-11).

2a. A tithe of all the produce from the land belongs to Lord (Leviticus 27:30-33, Numbers 18:21-24, Deuteronomy 12:17-19, 14:22-29, 26:12-14).

Qualifications:

Brought during feast of First Fruits (see 1a).

Given to priests and Levites for their support.

Given to to aliens, fatherless and widows.

All may share in it during festivals.

A tithe of the tithe given to the sons of Aaron (Numbers 18:25-29).

Produce may be exchanged for money to travel to the festival (Deuteronomy 14:24-26).

Can save it up and bring it once every three years.

2b. All firstborn male offspring belong to the Lord (Exodus 13:2,12,13, 22:29-30, 34:19-20; Leviticus 27:26, Numbers 3:13, 8:17, 18:15; Deuteronomy

15:19-23).

Qualifications:

No defective animals (one may eat these in one's own town).

Take it to the Tabernacle at the festival time.

Firstborn human sons are redeemed by payment (Numbers 18:16).

3. Special vows of service to the Tabernacle.

Nazirite vow: separation to the Lord (Numbers 6:1-21). No wine, fermented drink, or grapes; no razor touching the head, no uncleanness, and special sacrifice.

Other special vows (Leviticus 27:1-28).

Qualifications: People can be redeemed from a vow of service to the Lord by a payment comparable to the work to be done.

4. A census must be accompanied by a redemption price for each person (given to the priests) (Exodus 30:11-16).

Penalty: plague.

5. Rules for the Tabernacle and its elements: ark, table, altar, lampstand, courtyard, garments, consecration, basin, altar of incense, oil, and incense (Exodus 25-30, Leviticus 8-9, 24:1-4).

Penalty: death (for certain sacrileges), presumably done by God himself.

6. Priests must be holy (Leviticus 21-22:9).

Penalty: death, or cut off from the people

Qualifications:

Priests must not become unclean.

They must not shave their heads or cut their bodies.

A priest must marry a virgin.

Men with defects may not serve at the altar.

7. The tribe of Levi is set apart for the Tabernacle service, and no others (Numbers 1:49-51, 3:5-10). The Levites count as the firstborn/firstfruits of all Israel (Numbers 3:11-12).

Qualifications: any Levite may leave his home and serve at the temple (Deuteronomy 18:6-8); all men age 25-50 to take turns in the Tabernacle service (Numbers 8:23-26).

7a. Division of Levite labor (Numbers 4:1-33, 18:1-8):

Sons of Aaron: priests (Numbers 16-17).

Kohathites: care of most holy things (no carts allowed to be used) (Numbers 7:9).

Gershonites: carrying burdens (valuables of tabernacle)

Merarites: carrying burdens (tent frame, etc.)

7b. sanctification of the Levites (Numbers 8:5-26).

8. Rules for priests to eat sin and guilt (sacred) offerings (Leviticus 22:10-16, 24:5-9, Numbers 18:8-10)

Penalty: restitution, if a mistake is made.

Qualifications:

Priest's family and slaves included

Each must be clean to eat the offering.

9. Rules for the daily burnt offering (two lambs, flour and wine) (Exodus 29:38-42, Leviticus 24:1-9).

10. The altar shall only be of earth or undressed stones, with no stairs (Exodus 20:24-26).

11. No yeast with a sacrifice (Exodus 23:18, 34:25).

12. Rules for the silver trumpets used for battle and feasts (Numbers 10:1-10).

Promise: you will be remembered by the Lord.

13. Exact words of the priestly blessing (Numbers 6:22-27)

D.4.3 Covenantal Law

Laws defining Israel as a covenantal nation, with judgments and penalties administered by the priests, as well as God.

1. Circumcision of males (Genesis 17:9-14, Leviticus 12:3)

Penalty: Cut off from the people if neglected.

Promise: The Lord will be their God

Qualifications: Must also “circumcize your hearts” or outward circumcision means nothing (Deuteronomy 10:16).

2. No uncleanness (unsanitariness). (Some commentators have translated this term as “ceremonial uncleanness,” largely out of a concern to not make

it seem that the Bible teaches that natural functions are sinful. But the term is best translated as “disgusting.” Both sins and natural functions can be disgusting. The message of these laws is not that being disgusting is sinful, but that sin is often disgusting.) (Exodus 22:31, Leviticus 11, Deuteronomy 14:1-21).

Penalty: If unclean, a person must wash, stay away from others, and in some cases perform a sacrifice. Failure to do this may lead God may turn away from the nation (Deuteronomy 23:14).

Qualifications: Unclean things:

Most animals except cows, sheep, and goats; bugs, shellfish, and other creeping things.

Naturally dead animals.

Dead people (Numbers 19:11).

Female bleeding (Leviticus 12, 15:19-32).

Male discharge (Leviticus 15:1-18, Deuteronomy 23:10).

Touching unclean things or people.

2a. Bury excrement away from the people (Deuteronomy 23:12-13).

2b. No sex during a woman’s monthly period (Leviticus 18:19).

Penalty: Both to be banished (Leviticus 18:29, 20:18).

2c. Water of cleansing (for a person unclean by contact with dead person) (Numbers 19:1-22)

Those who are not cleansed after touching a dead person shall be banished.

2d. Infectious diseases must be isolated (Leviticus 13:1-46, Numbers 5:1-4).

Qualifications:

Identified by swelling, white spots, or raw flesh.

Two 7-day trial isolations.

If the priests pronounce a person “unclean,” he must stay away from people, make a warning if near people, and cover his mouth and nose.

A diseased person must offer a sacrifice if healed (Leviticus 14:1-32).

2e. Destroy articles with growing fungus (Leviticus 13:47-59, 14:33-57).

Qualifications:

One 7-day trial isolation

Includes clothes, house, and walls.

Must offer a sacrifice if home purified.

3. Do not drink blood (Genesis 9:4-5, Leviticus 7:27, 17:10-12, Deuteronomy 12:16,23-25)

Penalty: Those who do shall be cut off from the people (banished) (Leviticus 7:27).

No fat either (Leviticus 3:17, 7:22-27, 19:26).

D.4.4 First-Generation Laws

One-time laws only for first- and second-generation Israel.

1. Initial Passover feast: blood on doors, eat roasted meat, dress for travel (Exodus 12:1-13, 21-23).

2. Rules for manna: Don't take too much; don't collect manna on the Sabbath (Exodus 16).

Penalty: It will rot if too much is taken.

Promise: There will always be enough.

3. Consecration of the people in the direct presence of God's holiness (Exodus 3:5; Exodus 19:10-15).

Penalty: death by shooting with arrows or stoning (Exodus 19:13).

4. Instructions for camping location: Tabernacle in the middle, surrounded by the Levite camps (Numbers 1:52-2:30).

Penalty: The wrath of the Lord if the Levites fail to protect the tabernacle. Death penalty for non-Levites must not approach the collapsed tabernacle (Numbers 1:51, 3:10).

5. Two censuses (Numbers 1:3, 26:2).

6. Divine appointment of first leaders.

Moses set apart as leader, prophet (Numbers 12:6-8).

Joshua set apart as the next leader (Numbers 27:18-21).

7. Look at the bronze snake for healing (Numbers 21:8-9).

Promise: healing from snake bites.

8. Special service at Ebal and Gerazim after crossing the Jordan (Deuteron-

omy 27).

9. Listen to the Angel of God (visible incarnation of God) (Exodus 23:20-23).

Penalty: God will be an enemy to you if you do not.

Promise: God will be an enemy to your enemies.

10. Nations to wipe out: Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, Jebusites (Exodus 23:23, Deuteronomy 7:1,20:17), Midianites (Numbers 25:16-18, 31:1-2), and Amalekites (Deuteronomy 25:17-19).

Qualifications:

Do not take any spoils from their cities, or people for wives or slaves; burn everything up (Deuteronomy 7:2-3).

Destroy all their idols (Deuteronomy 12:2-3).

No war with the descendents of Esau, Moab, or the Ammonites (Deuteronomy 2).

11. Tribal allotment of land (none for Levites except cities with their pastureland) (Numbers 26:52-56; Numbers 35:1-4); Reuben, Gad, and Makir (Manasseh) inherited land east of the Jordan but had to fight alongside the other tribes first (Numbers 32, Deuteronomy 3:18-20)

Index

- abolitionists, 219, 271, 290
- abortion, 12, 63, 206, 217, 235, 281, 290
- addiction, 221
 - sexual, 202, 221
- adoption, 65, 219
- adultery, 89, 91, 200, 210
- African churches, 272
- age of majority for children, 67
- American Civil War, 272
- American Revolution, 268
- Anabaptists, 18, 254
- anarchy, 38, 47, 102
- Anglican church, 254
- anti-trust laws, 73, 146, 273
- appeals, in lawcourts, 124, 130
- aristocracy, 146
- atheists, 279
- Augustine, 99

- Bahnsen, Greg, 258
- bankruptcy, 158
- Baptists, 256, 266, 272
- basis of law, 25
- Bauer, Gary, 282
- begging, 170
- birth control, 208
- blasphemy, 59
- Bonhoeffer, Dietrich, 30
- boycotts, 30, 181
- Brethren churches, 254, 256, 266

- bribery, 121
- broadcast regulations, 61
- Brother Andrew, 281
- Bryan, William Jennings, 144, 273
- bureaucracies, 132, 149

- Calvin, John, 53, 255
- Calvinism, 308
- Campolo, Tony, 11, 257
- capital punishment, *see* death penalty
- capitalism, 140, 144, 158, 163
 - Laissez Faire, 145, 285
 - pragmatic argument for, 143
- Carter, Jimmy, 11
- checks and balances, 120
- Chesterton, G.K., 232
- children, 236
- chivalry, 264
- Christian Left, 11, 249, 253, 278
- Christian Right, 11, 249, 253, 278
- church and state, 50, 157
- church membership, 157
- Churchill, Winston, 282
- cities, growth of, 130, 154
- citizenship, 156
 - tests, 157
- civil courts, 96
- civil disobedience, 75
- Civil Rights movement, 278, 285
- Civil War, 272
- class society, 275, 284

- codes, secret, 61
 Colson, Chuck, 84, 87
 common grace, 263, 308
 common law, 123
 communalism, 140
 communism, 137, 140, 146, 278, 279, 281
 compassionate conservatism, 282, 290
 competition, 144
 complementarianism, 224, 276
 congresses, 129
 conscience, 22
 consent, in sexual relations, 194, 198, 204
 conservationists, 241
 Conservative party of UK, 282
 Constitution of US, 113, 129, 268
 constitutionality, 111
 contraception, 218, 235, 238
 contracts, 145
 Cooper, James Fennimore, 233
 corporal punishment, *see* punishment, corporal
 corporations, 60, 72, 158
 cost-benefit analysis, 245
 covenant, 15, 323
 covenant community, 157
 covenantalism, 259
 Covenanters, 272
 coveting, and private property, 140
 Crabb, Larry, 199
 criminal courts, 96
 Cromwell, Oliver, 261
 Crouch, Andy, 307, 312, 316
 culture wars, 290
 curses, 59, 68, 90, 286

 databases, national, 156

 Dear Abby sexual ethic, 198
 death penalty, 84, 86, 88, 103
 deception, 58, 79, 145, 191, 202
 legitimate, 103
 democracy, 116
 and legitimacy of government, 40
 Democratic party of US, 281, 289
 deputation, 78, 82
 deterrence, 48, 84, 107
 Dewey, John, 273
 Dickens, Charles, 144, 273
 discrimination, 181
 dispensationalists, 287
 divorce, 201, 211
 double jeopardy, 125
 drafts, 71, 107, 188
 drug laws, 193
 duels, 200

 education, 68, 149
 Edwards, Jonathan, 266, 268
 electoral college of US, 118
 Ellul, Jacques, 30
 emergency programs, 178
 eminent domain, 71
 enfranchisement, right to vote, 116
 environmental stewardship, 80, 229
 in war, 106
 environmentalism, 229, 246
 ethnic groups, 74, 119, 130, 148, 151
 eugenics, 235
 euthanasia, 220
 evangelism, 119, 316
 evolutionists, 229, 309, 312
 experts, 79, 126
 extinction of species, 229, 246
 eye for an eye principle, 88, 97

 false witnesses, 86, 89, 124, 126

- family
 - rights of parents, 64
- family as unit of society, 64, 208
- family values, 64
- fathers, 205, 225
- federalism, 78, 81, 117, 130
 - growth of central power, 83, 132, 272
 - of land ownership, 150
- feminism, 208
 - first-wave, 276
- Finney, Charles, 267
- flag burning, 59
- Free Silver movement, 189
- free will, 85, 195
- freedom
 - economic, 138, 144
 - of anonymity, 155
 - of association, 55, 181, 264
 - of conscience, 56
 - of religion, 50
 - of speech, 56, 145, 220
 - religious, 286
- French and Indian War, 267
- French Revolution, 279
- fundamentalists, 11, 310

- gambling, 193
- Gandhi, 43
- Garber, Steve, 307
- generosity, 141
- Geneva, at time of Calvin, 255, 284
- gold standard, 189
- Gospel, 94, 262
- Gothard, W., 67
- government
 - as agent of God, 22, 32, 263
 - as disinterested third party, 33
 - Christian, 53, 287
 - emergency response, 178
 - growth of, 132, 272
 - legitimacy, 36, 45, 49, 73, 146
 - limited, 49, 62, 81, 92, 120, 131, 138, 155, 217, 235, 288
 - ownership of land, 242
 - representative, 114
- grace, 94
- Graham, Billy, 267, 316
- Great Awakening, 266
- guerilla warfare, 109
- gun control, 77, 81

- hate speech, 285
- Hegeman, David, 233
- hell, 262
- homosexuality, 63, 92, 185, 213, 281
- Hoover, J. Edgar, 277
- Horton, Michael, 320

- identification cards, national, 155
- idolatry, 59
- image of God in humans, 218, 223, 231
- immigration, 149, 151, 288
 - illegal, 152
 - sponsored, 153
- impeachment, 120
- imprisonment, 87, 210, 262
- incitement, 58
- incorporation, 72, 158
- Indians, American, *see* Native Americans
- inequalities, 139, 162, 172, 276
- inheritance, 67, 146, 226
- innocent until proven guilty, 68, 127
- inspiration of Bible, 13

- insurance, 178
 intervention, military, 76, 101
 investment, 159
 Jesus
 and legitimacy of government, 29, 89
 as king, 115
 as warrior, 35, 99
 on Cross, 262
 Jim Crow laws, 131, 264, 274, 289
 Joseph, Israelite leader in Egypt, 178
 judges, 122, 196
 juries, 125
 just war theory, 20, 99, 258
 Keller, Tim, 140
 kidnapping, 103
 King Solomon, 188
 kingdom of God, 157, 232, 260, 308
 KKK, 274
 Knox, John, 254
 Koop, C. Everitt, 194
 Kuyper, Abraham, 307
 labor unions, 163
 Laffer curve, 186
 Laissez-Faire capitalism, *see* capitalism, Laissez Faire
 land, in law of Moses, 74, 147, 226
 Law of Moses, 323
 as paradigm, 15, 167
 law of the commons, 241
 law of the day care center, 37, 85
 lawmakers, 122
 laws, written, 111, 122
 legislators, 122
 legitimacy
 of non-Christian government, 40
 of parental authority, 66
 Lewis, C.S., 232
 lex rex, 268
 libertarians, 36, 69, 193, 282, 289
 licensing, 79
 limited government, *see* government, limited
 Lindsey, Hal, 11
 living wage, 171
 loans, to the poor, 149, 179
 lobbyists, 121, 132
 Locke, John, 268
 Lyons, Gabe, 317
 marriage, 208
 Marx, Karl, 40, 60
 Marxist view of history, 273
 McCarthy, Joseph, 279
 media access, 60
 media-education complex, 132
 Megan's law, 269
 Mencken, H.L., 273, 277, 280
 Menno, Simon, 254
 Mennonites, 254, 260
 mercy, 93
 meritocracy, 146
 Methodists, 266, 272
 military-industrial complex, 132, 177
 militias, 82
 minimum wage, 170
 modernism, 307
 monarchy, 114
 money, 189
 monks, 140, 237
 Moody, D.L., 267
 moral law, 16, 259, 323
 Mother Theresa, 285
 Muggeridge, Malcolm, 280

- Napoleon, 279
 national interest, 102
 national parks, 241
 Native Americans, 259, 267, 269, 287
 Nazis, 284
 negligence, 72, 79
 New Covenant, 18, 324
 noblesse oblige, 146, 184, 275
 evolving, 149
 non-profit organizations, 56, 178, 320
 nonviolence, as trivial ethic, 35, 66
 nuclear weapons, 105

 objectivism, 281
 Olasky, Marvin, 282
 Old Testament, 13, 32, 47, 54, 86, 91, 112
 original intent principle, 112
 overpopulation, 233

 pacifism, 31, 38, 41, 47, 75, 99, 103
 instability, 41, 107, 235
 parliaments, 129
 partiality toward poor, 98, 139
 paternalism, 265
 patronage, 275
 pedophilia, 216
 penitentiaries, 262
 Penn, William, 266
 Pennsylvania, 262, 266
 perjury, 86
 pietism, 283
 pietists, 47
 police, 30, 38, 41, 43, 78, 82, 128
 political correctness, 59
 pollution, 241
 polygamy, 201, 212
 population control, 233

 pornography, 203, 220
 poverty, 137, 176, 202
 causes of, 139
 cycle of, 205
 precedent, in lawcourts, 123
 preemptive attack, 101
 prejudice, 264
 premarital sex, 212
 Presbyterians, 254, 275
 presuppositionalism, 308
 price controls, 174
 primogeniture, 226
 privacy, 62, 85
 private property, 72, 137, 244
 growth of, 60, 73, 144, 147
 procreation, 215
 productivity, 142, 162
 progressive income tax, 146
 Progressive movement, 144, 273, 282
 Prohibition, 197, 275, 277
 proof, in lawcourts, 128
 propaganda, 54, 60
 proportionality, of punishments, 97
 proportionate response, 100
 prostitution, 204, 213
 Protestant work ethic, 143
 protests, 30, 185
 punishment
 imprisonment, 87
 of children, 66
 reason for, 85
 types of, 87
 punitive awards, 99
 Puritans, 254, 261, 265, 284, 310

 Quakers, 18, 254, 260, 262, 266, 267
 quorum, in elections, 119

- racism, 87, 153, 182, 185, 235, 264, 270, 285, 288
 Rand, Ayn, 281
 ransom, 97
 rape, 203, 216
 Reagan, Ronald, 11
 recall votes, 120, 124
 recompense, 87, 97
 Reconstruction of South, 273
 reconstructionists, 11
 Reformed churches, 256
 rehabilitation, 84, 87, 262
 repentance, 95, 97
 representative government, 114
 Republican party of US, 289
 rescue, 101, 109
 rescue of the oppressed, 33
 revenge, 33, 93
 revivalism, 267
 Revolution, US, 77
 rich class, tolerated in Bible, 99
 rights, 50
 - abortion, 218
 - animal, 231
 - children's, 69
 - self-determination, 74
 - to die, 218
 - women, 223, 276
- Riis, Jacob, 144, 273
 risk, 196
 - in investment, 159
- Robber Barons, 144, 146, 274
 Roman Catholic church, 282
 Roosevelt, T., 144
 Roosevelt, Teddy, 241, 276
 royalists, 279, 282, 284
 runoff elections, 119
 Russian revolution, 279
 Rutherford, Samuel, 121, 255, 268
 Sabbath law, 17
 sabbath laws, 158, 164, 168, 170, 323
 sacrificial law, 16, 259
 Sanger, Margaret, 236
 Schaeffer, Francis, 12, 40, 41, 50, 74, 257, 307, 313
 Scopes trial, 277
 Scotch-Irish presbyterians, 254, 265, 275
 secession, 74, 131
 secularism, 52, 286
 self-defense, 100
 self-destruction, 164, 174, 193, 217
 selfishness, 143
 separation of powers, 129
 Sermon on the Mount, 22, 30, 32, 89, 98, 258
 sex crimes, 91, 193
 sex, in the Bible, 199, 239
 sexual revolution, 197, 218
 sexually transmitted diseases, 193, 208
 Sider, Ron, 43, 137, 176, 258
 Simeon, Charles, 318
 sinfulness of humans, 261
 singleness, 237
 slavery, 165, 200, 271
 - in law of Moses, 152, 165, 271
 - Southern, 76, 271
- Smedes, Louis, 88
 Smith, Adam, 268
 smoking, 193
 social democracy, 287
 social Gospel, 320
 social justice, 139, 176
 social-services-voter complex, 177
 socialism, 137, 152, 177, 287

- Society for the Prevention of Cruelty to Animals (SPCA), 232
- soldiers, 99
- Solomon, king of Israel, 71, 243
- Soltseneitsn, Alexander, 280
- Southern confederacy, 76
- speech codes, 59
- spies, 103
- Sproul, R.C., 46
- Stalin, Joseph, 279
- standardization, 243
- states' rights, 272
- statistical analysis, 128
- stoning, in Old Testament, 89
- Stowe, H.B., 165, 271
- suffragist movement, 117, 223
- suffragists, 273, 275
- suicide attack, 104, 108
- suicide, assisted, 195
- syncretism, 264
- taxes, 69, 185
 - cycle of increase, 132
 - exemptions for churches, 55
 - import, 188
 - income, 186, 273, 274
 - inheritance, 146
 - progressive, 146, 149
 - property, 187
 - regressive, 187
 - sales, 187
- ten Boom, Corrie, 237
- Ten Commandments, 16, 88, 140, 259, 323
- Tenth Amendment, 131
- term limits, 120
- terms of office, 120
- terrorism, 104, 267, 285
- theft, 87, 140
- theocracy, 54, 114, 284
- theonomists, 11, 17, 287
- Tolkien, J.R.R., 232
- tories, 257
- Trail of Tears, 133, 264, 269
- treason, 59, 92
- treaties, 133, 270
- two-party system, 119, 129
- Underground Railroad, 272
- uniformity, in law, 98, 111, 156, 163
- value-added tax (VAT), 187
- vigilantism, 75
- violence vs. legitimate use of force, 35
- voting, 116
 - competence test, 79, 116
 - quorum, 119
 - women, 117, 275
- vows, 58, 133, 168, 209
- wages, fair, 170
- Wallis, Jim, 137, 258
- warfare, 99
 - in Old Testament, 259
 - just, *see* just war theory
- warrant, for search, 63, 128, 155
- wealth, 142
- weapons of mass destruction, 105
- Weber, Max, 161
- Wesley, John, 267
- Westminster Confession, 259
- whigs, 257
- Whitfield, George, 266
- Wilberforce, William, 283
- witch trials, 68
- women

as property, 211
in Old Testament, 91
right to vote, 117
soldiers, 108
work ethic, 143
zoning, 60, 72, 244