

God's Law Reign over Man's Law which Cannot Govern

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Abstract

The rule of law thus follows quite naturally from Christian premises. But how can this be reconciled with God's law itself? Consider how God's law is portrayed in the New Testament. The most familiar summary of God's law is the Golden Rule, Christ's command that we love God with all of our heart, soul, and mind, and that we love our neighbours as we love ourselves.

Keywords: Adulterers; Legal system; Practical realities; Verifiable wrongs; Law's delightfulness; Wisdom-better

Introduction

Whatever else one can say about this twin command, it does not conform to the principle that rules must be defined with reasonable specificity. On the contrary, one can barely imagine a more vague and open-ended legal requirement. Perhaps the vagueness is nothing more than the inevitable consequence of the fact that Jesus is summarizing God's law, rather than spelling it out in detail. But Christ's more detailed pronouncements are likewise at odds with traditional rule-of-law principles [1]. In the Sermon on the Mount, Jesus defines as murderers everyone who is angry with his brother, even those who say, you fool, Adulterers include not only those who have sexual relations with others' spouses, but everyone who looks at a woman with lustful intent [2]. Plainly, these broad definitions violate the principle that punishment should be based on conduct, not intent alone. Their breadth also violates the principle that rules, not discretion, should determine who pays legal penalties. No legal system that defined murder and adultery as Jesus did could enforce those offenses with any consistency [3].

Methodology

Such laws would function like highway speed limits—all drivers violate them, so the real law is whatever state troopers decide. And Jesus himself applied God's law differently to different people, violating the principle that all should be bound by the same rules. Recall the rich young ruler who asks Jesus what he must do to obtain eternal life [4]. Jesus first tells the wealthy man that he must keep the commandments if he wants to have eternal life. When the man says these I have kept, Jesus instructs the man to sell everything he owns, give it to the poor, and follow him. Nowhere else in the New Testament does Jesus impose this obligation on his followers generally or indeed on anyone else? God's law, as Jesus teaches and applies it, violates every single principle that flies under the banner of the rule of law [5]. If the state tried to replicate this law in a legal code, police and prosecutors would have total, absolute discretion to choose who should be sent to prison and who should go free, and civil law regulators could pick their least favourite CEO and punish him or her whenever they chose as shown in (Figure 1). In practice, the discretionary choices of the governors, rather than God's law itself, would govern the people [6]. Yet the same Bible that seems to flout rule-of-law norms also seems to require those norms. How is the circle to be squared? The answer is that two different kinds of law are at issue.

Discussion

Rule-of-law norms derive from the practical realities of controlling wrong doing in a world filled with wrongdoing—a world in which all sin but only some sinners can be punished, where rulers are prone to

favouritism and exploitation while those they rule need wise laws to protect them from one another [7]. In such a world, law must play a double game, restraining the worst wrongs by the citizenry without empowering judges and prosecutors to do wrong themselves as shown in (Figure 2). The key to playing that double game well is to limit law's reach. Only the most destructive and most readily verifiable wrongs should be forbidden, because forbidding more would turn punishment over to the discretion of law enforcers [8]. God's law is not bound by



Figure 1: Prosecutors having total, absolute discretion.



Figure 2: Citizenry without empowering judges and prosecutors.

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those limits, because it plays no double game. The Lawmaker need not restrain Himself. He is not the problem. We are. His law can be before be comprehensive, covering all wrongs, not just those that a given society can afford to punish. His law is not limited to conduct, because the God in whose image we are made sees the thoughts that lie behind conduct. Nothing is hidden from Him. His law covers everything; all of life-it is not law defined by its limits, but law without limits. That limitless, comprehensive quality is closely tied to another feature that receives a great deal of comment in scripture, law's delightfulness [9]. The beauty of God's law, and the sheer joy it imparts, is a frequent theme of the Psalms. The law of the LORD is perfect, David marvels, reviving the soul, the rules of the LORD are true, and righteous altogether. More to be desired are they than gold, even much fine gold, sweeter also than honey and drippings of the honeycomb [10]. Another psalmist proclaims, with evident relish, that I will meditate on your precepts and fix my eyes on your ways. I will delight in your statutes, I will not forget your word, your testimonies are wonderful, he goes on to say, and therefore my soul keeps them [11]. The unfolding of your words gives light; it imparts understanding to the simple. I open my mouth and pant, because I long for, four cornmanments .This language sounds strange to twenty-first-century American ears, delight and longing are hardly the first things that come to an end for us when we think about law [12]. But the responses are not as strange as they first seem. Most of us have had, at one time or another, great teachers who inspired and delighted their classes. The best teachers and the best teaching do that [13]. It should come as no surprise that God's wisdom-better teaching than one finds in the best-run classroom-prompts the same reaction. And wisdom is precisely what a comprehensive moral law provides [14,15]. Lewis put it well, though incompletely, when he called God's law the real or correct or stable, well-grounded, directions for living. Directions for living sounds prosaic, but the portions of scripture that provide those directions most explicitly are anything but. The Ten Commandments and the Sermon on the Mount are, among other things, great literature, more poetry than prose. That, too, should come as no surprise. A well-lived life is a beautiful thing to behold, a source of delight and inspiration to those fortunate enough to see it. The principles that define such a life are likewise beautiful to behold, and they are natural subjects for great literature. The human mind can only be satisfied for a time, with that arid Positivism when State and Society seem to be stable, when the mind is enthralled by the belief in unlimited automatic progress guaranteed by the so efficient methods of the natural science; and when a general placid feeling of security and saturation prevails which thinks that all problems are soluble or even that no problems exist because of the efficiency of the scientific methods. Once this psychological and sociological condition is destroyed, once the social and political order is shaken, once the problems arise and prove impervious to the vaunted scientific methods, then the inefficiency of Positivism becomes evident. It becomes evident also that the perpetual quest for Justice can only be satisfied by the words that come from God, be they the revealed words or his Logos, in the order of Universe and in man's own nature. To define law simply as the will of the State constitutionally formulated -the main thesis of legal Positivism-is then utterly refuted when the totalitarian State arises and destroys not only the social under structure of legal Positivism but also radically decries the ideas of human basic rights of personal dignity, of the autonomy of the family and the parental rights which Positivism still allows to live on the outer margin as its inheritance of an earlier period. Thus it is understandable that the Natural Law which, as so often before, had, during the dominance of Positivism, found its home and refuge in the philosophia perennis arose again, first after the First World War, and then with renewed energy after the rise and the partial victory of the totalitarian State, which was certainly the reduction and

absurd urn of Positivism. It is no wonder that in the country which we might rightly call the classical country of Positivism, Germany, we find this revival of Natural Law most clearly. Thus the President of the Supreme Court of the Federal Republic declared, what was lacking in German administration of justice was the inner motivation by the idea of justice and the belief in ultimate obligatory and fundamental rules of Law. Pure legal Positivism is the shallowest foundation of Law. It has been proved absurd wherever the totalitarian movement took possession of the law-making power of the State. Thus no longer can the acceptance of Natural Law be declared to be based either explicitly or at least implicitly on Catholic Weltanskanung. On the contrary, Gustav Radbruch with humanist socialist antecedents came also in the last years of his life to a much more positive appreciation of the Natural Law.

Conclusion

A fortiori one is entitled to argue that in the countries where Legal Positivism never reached the kind of monopoly that it found in Germany, Natural Law is again much more influential. This applies to France and Italy and more so to the countries where the Common Law preserved all through the centuries a profound respect for Natural Law-England and the United States. Incontestably, we are experiencing a genuine return to the Natural Law. Positivism, in its American form of legal pragmatism, has lost its exclusive dominance.

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Conflict of Interest

None

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