

# Christian Reconstruction

Isaiah 61:4

Vol. VIII, No. 4

© Institute for Christian Economics, 1984

July/Aug., 1984

## WHY SHOULD WE LEGISLATE IMMORALITY?

by Gary North

### "You can't legislate morality!"

How many times have you heard that one? Too many, I'll bet. Have you ever sat down and thought through the implications of this humanist slogan? Does anyone really know what it means? We all know how it's used: to try to reduce support for a proposed law that the complainer doesn't approve of. But what does it mean?

### Legislation

To legislate is to **declare** a law. In the days when academically oriented people and statesmen still believed in neutral natural law, they argued that "true" law is **discovered** by legislators, not created by them. This placed the legislator in essentially the same position as a pre-twentieth century judge, who also used to be thought of as someone whose task it is to discover how to apply universally valid laws to concrete historical situations.

Today, the influence of legal positivism has destroyed men's confidence in the existence of natural law and therefore also their confidence in the ability of judges or legislators to discover an underlying, concealed, universal law code. Men increasingly see law as simply the **declaration of the State**, for better or worse, in sickness and in health. Mostly in sickness, as it has turned out.

The Bible teaches that God **declares** His law to man. Basic to the doctrine of soteriology (salvation) is the doctrine of **justification**. God justifies a person by **declaring him innocent of all charges**. What charges? Charges of having committed a crime against God. **Sin** is therefore **law-breaking**. Salvation is God's declaration of **regenerate man's immunity from prosecution**. "It is God who justifies: who is he that condemns?" (Romans 8:33).

God makes this declaration because Jesus Christ has paid for the sins of His elect. God **imputes** (legally transfers) Jesus' perfect righteousness to those whom God has chosen to be conformed to the image of His son—not conformed in being or essence to the Second Person of the Trinity, but **ethically conformed to the perfect humanity of Jesus** (Romans 8:29).

Salvation is therefore something theologians call a **forensic act**. "Forensic" refers to a court of law. God's granting of salvation is a **judicial act**. But if it is a judicial act, then God's court must be in session. God is therefore a judge. A judge decides a case in terms of a law code. How can we speak of God as a savior if He isn't also a judge who can declare men immune from judgment? Furthermore, how can we think of God as a judge if there is no law by which He renders judgment? In short, **how can the Bible be true if God has not legislated morality?**

### Morality

A moral decision is a decision concerning the legitimacy of an act or thought. Is the act or thought acceptable in terms of an acceptable, valid standard of behavior?

This raises the inescapable question: **By what standard?** If the standard is not acceptable, can the act which conforms to that standard be moral? But then the key question must be asked: **Acceptable to whom?** Who is the sovereign agent whose will must be obeyed, whose law must be obeyed, and whose standards of action and thought must serve as the only valid guide for human conscience? The State? The human race? The Aryan race? The Church? The Party? The guild or secret society? The head of the family? The cunning of history? The forces of nature? The will to survive? The will to suicide? Voices whispering in the dark? Madison Avenue? The editorial page of the *New York Times*?

How do we get answers to the question: How shall we then live? Which answers are the morally valid answers? The biblical answer is clear: the biblical answers. The Bible is God's revelation to man concerning the nature of God, man, and law. It is directed from the ultimately personal Being to subordinately personal beings. Man is not autonomous. He is under the jurisdiction of God.

**Jurisdiction** is an English word derived from the Latin roots: *juris* (law) and *dictio* (speak or declare), from which we also derive the word "diction," which you can look up in a dictionary. Thus, God **declares** that some acts or thoughts are unacceptable to Him, and men are supposed to respond in faithful obedience. **Morality implies law**. Christian morality implies biblical law.

Morality is God's **spoken** rules of behavior. He has published these rules in His **word**, the Bible. It is man's task to **listen to** God and conform his own behavior and thoughts to the written rules found in the Bible. Man must therefore be a judge: initially a **self-judge**, but eventually a judge of others.

### Judgment

God created Adam and Eve to serve as judges. They were to exercise discernment in their actions, subduing the world to the glory of God in terms of His eternal standards. But they needed to exercise self-judgment as part of their general dominion assignment. God placed a restriction on them, and they were expected to acknowledge its legitimacy. They refused. They wanted to exercise judgment apart from God's declared word concerning the forbidden fruit. They wanted to judge between God's word and Satan's word. Would they or would they not die if they ate of it? The moment they mentally set themselves up as God's judges,

they committed sin. The outward manifestation of this presuppositional sin was the eating of the fruit. They partook of a **covenantal meal with Satan**. They were therefore cut off from the tree of life: the covenantal meal with God.

They could not escape the continuing requirements of exercising judgment. Man's judgment is clouded by sin, but the Bible and the testimony of the Holy Spirit are to redirect man's thoughts in order to redirect man's steps. Regeneration is God's declaration of man's immunity from prosecution and the imparting of Jesus' moral righteousness to man—sanctifying man (setting him apart morally) **definitively** (all at once in principle), so that man can work out the implications of his faith **progressively** (over time), and ultimately so that God can sanctify him **finally** at the day of judgment.

All of history points to final judgment. Originally, progressively, and finally, **God's judgment is absolute**. Man, who is made in God's image, is supposed to exercise godly judgment subordinates, "thinking God's thoughts after Him," as Cornelius Van Til puts it. In any area of life where God's standards apply, there man is supposed to be operating as a morally sanctified judge. If no area of human responsibility is outside of God's jurisdiction (law-declaring), then there is no area of human responsibility outside man's jurisdiction as judge and law-enforcer.

### Jurisdiction

Is any area of the created realm outside man's legitimate jurisdiction? Ultimately—meaning finally, meaning at the day of judgment—**no**, nothing is outside of man's jurisdiction. Man is to subdue the whole earth, and then he is to exercise cosmic, though subordinate, dominion. "Know ye not that we shall judge angels? How much more things that pertain to this life" (1 Cor. 6:3).

But a lot of meaning is concealed by the possessive, "man's." One of the great verbal and mental illusions of modern humanism is the illusion that the word "man" is comprehended by the idea of "collective mankind," which is then further defined as "the State." The humanist believes that there is no God who exercises absolute jurisdiction over man, and therefore man—collective, statist man, meaning the **political representatives** of collective mankind—exercises jurisdiction over nature, including other men. **Man speaks (exercises jurisdiction) through his representatives, the elite central planners.**

Thus, there is supposed to be no area of life outside the jurisdiction of the State, meaning the central planning agencies. Man proposes and man disposes, meaning that elitist planners propose, and the rest of mankind is supposed to respond in covenantal obedience. If we believe that "man must take control of man," we really believe that certain men are supposed to take control over all the others.

What the Bible requires is the division of labor. The body is made up of members, each with its own contribution to the whole. Christ is the eternal head (1 Cor. 12). The Satanists also have a head, but this head was **definitively crushed** by the son of Eve, Jesus Christ, as prophesied to the serpent (Gen. 3:15). This took place at Calvary.

The "head" of his Satan's earthly followers—the humanist order—is to be **progressively crushed** by the members of Christ's Church **before** the end of time. They conquer by the blood of Christ. This process escalated during Christ's ministry, for Satan was cast out of heaven at that time, and Christ transferred power over Satan's forces to His followers at that time (Rev. 12:7-12). "And he said unto them, I beheld Satan as lightning fall from heaven. Behold, I give unto you power to tread on serpents and scorpions, and over all the power of the enemy: and nothing by any means will hurt you. Notwithstanding in this rejoice not, that the spirits are sub-

ject unto you: but rather rejoice, because your names are written in heaven" (Luke 10:18-20). It is not power but **ethics** that is the basis of our rejoicing, not crushing the heads (institutions) of Satan's forces, but our **justification** (declared immunity to prosecution) by God.

Satan's head will be finally crushed, of course, at the last judgment. But the point is this: progressively over time, the **crushing process** is to continue. It is to take place in every area of life. The crushing process is essentially **ethical**, although there are historical and institutional manifestations of this ethical conflict, for God rewards covenantal faithfulness externally, and He curses covenantal faithlessness externally (Deut. 28).

### Government and Legislation

The civil government, like every other kind of government, declares laws. It then enforces these laws. There is an inescapable relationship between government and legislation—in family, church, state, business, etc.

The question is never "law vs. no law." It is a question of **whose law**. God establishes the monopoly of civil government to suppress evildoers (Romans 13:3). Because it is a monopoly, as the Church also is, the magistrate is operating as a **minister of God** (Romans 13:4). He operates directly under God as a designated agent who bears lawfully delegated authority. But he holds this authority only as God's agent. If he violates God's law, his authority eventually is removed from him and given to another, just as the kingdom of God was removed from the Jews and given to the Gentiles (Matt. 21:43). **Therefore, the only possible basis for maintaining long-term political authority is to legislate God's morality**, rather than some other god's morality.

The civil magistrate is to punish the evildoer. He is not assigned the task of making men good. That can be accomplished only by God's grace, either special (regeneration) or common. But he is to **restrain men's evil visible behavior**. The State is not to attempt to enter into men's minds, but the State has the responsibility of punishing men who have violated God's law. There can be no State without the power to punish men who violate **somebody's law**.

Thus, we can say in confidence, **we can legislate morality**. There isn't anything else to legislate. Morality is an inescapable concept of legislation. It is never a question of legislating morality vs. no morality. There is only the question of legislating morality vs. immorality. This is true of **every agency of government, including (but not exclusively) civil government**.

The question always arises over jurisdiction. Power is to be decentralized in the holy commonwealth. Centralized absolute power is possessed only by God. No agency of human government has absolute and final jurisdiction, for only God has absolute and final power. But God grants definitive jurisdiction to human governments in some area, and this is to be worked out progressively. The Bible is the final source of authority in determining which agency of human government has primary jurisdiction over any given area of human decision-making.

### Conclusion

The political liberal wants the civil government to legislate economic morality but not sexual morality. The political conservative talks as though he wants the reverse. But all groups want the legislature to pass new laws, and all of them want the judiciary to uphold their special-interest legislation and the bureaucracies to enforce it. No one really believes that "you" (meaning the State) can't legislate morality. There just is no agreement about which moral code to enforce. The Bible is clear: **God's law must be enforced**. That's God's law!

**Christian Reconstruction** is published six times a year, alternating with **Biblical Economics Today**. It is published by the Institute for Christian Economics, a non-profit, tax-exempt educational organization. A free six-month subscription is sent to those who ask to be put on the mailing list. **Subscriptions:** P.O. Box 8000, Tyler, TX 75711. Donations are fully tax deductible. Checks should be made out to **Institute for Christian Economics**.