

# JOURNAL *of* CHRISTIAN LEGAL THOUGHT

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**Christian Legal Society**, which is a fellowship of Christians dedicated to serving Jesus Christ through the practice and study of law, the defense of religious freedom and life, and the provision of legal aid to the needy.

**The Institute for Christian Legal Studies (ICLS)**, directed by Michael P. Schutt, trains and encourages Christian law students, law professors, pre-law advisors, and practicing attorneys to seek and study biblical truth, including the natural law tradition, as it relates to law and legal institutions, and to encourage them in their spiritual formation and growth, their compassionate outreach to the poor and needy, and the integration of Christian faith and practice with their study, teaching, and practice of law.

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## STATEMENT OF PURPOSE

The mission of the *Journal of Christian Legal Thought* is to equip and encourage legal professionals to seek and study biblical truth as it relates to law, the practice of law, and legal institutions.

Theological reflection on the law, a lawyer's work, and legal institutions is central to a lawyer's calling; therefore, all Christian lawyers and law students have an obligation to consider the nature and purpose of human law, its sources and development, and its relationship to the revealed will of God, as well as the practical implications of the Christian faith for their daily work. The *Journal* exists to help practicing lawyers, law students, judges, and legal scholars engage in this theological and practical reflection, both as a professional community and as individuals.

The *Journal* seeks, first, to provide practitioners and students a vehicle through which to engage Christian legal scholarship that will enhance this reflection as it relates to their daily work, and, second, to provide legal scholars a peer-reviewed medium through which to explore the law in light of Scripture, under the broad influence of the doctrines and creeds of the Christian faith, and on the shoulders of the communion of saints across the ages.

Given the depth and sophistication of so much of the best Christian legal scholarship today, the *Journal* recognizes that sometimes these two purposes will be at odds. While the *Journal of Christian Legal Thought* will maintain a relatively consistent point of contact with the concerns of practitioners, it will also seek to engage intra-scholarly debates, welcome inter-disciplinary scholarship, and encourage innovative scholarly theological debate. The *Journal* seeks to be a forum where complex issues may be discussed and debated.

## EDITORIAL POLICY

The *Journal* seeks original scholarly articles addressing the integration of the Christian faith and legal study or practice, broadly understood, including the influence of Christianity on law, the relationship between law and Christianity, and the role of faith in the lawyer's work. Articles should reflect a Christian perspective and consider Scripture an authoritative source of revealed truth. Protestant, Roman Catholic, and Orthodox perspectives are welcome as within the broad stream of Christianity.

However, articles and essays do not necessarily reflect the views of the Institute for Christian Legal Studies, Christian Legal Society, Trinity Law School, or other sponsoring institutions or individuals.

To submit articles or suggestions for the *Journal*, send a query or suggestion to Christian Legal Society at [clshq@clsnet.org](mailto:clshq@clsnet.org).



## GOOD NEWS TO THE POOR

BY THADDEUS WILLIAMS

**L**uke 4 is a cherished passage for many Christians in the legal profession. Jesus launches his public ministry by standing in a synagogue, unrolling the Isaiah scroll, and reading:

The Spirit of the Lord is upon me, because He has anointed me to preach good news to the poor. He has sent me to proclaim freedom to captives, recovery of sight to the blind, to set at liberty those who are oppressed, to proclaim the acceptable year of the Lord (Luke 4:18-19).

Jesus' mission is not a Platonic quest to whisk us away from this world into some disembodied plain of spiritual forms. Yes, Jesus brings the hope of heaven and secures that hope for us through his redemptive work as our crucified, resurrected, and reigning King. He includes good news to the poor, freedom for slaves, and liberation of the oppressed within the scope of his vast redemptive mission. Jesus cares deeply about bringing justice in the here-and-now, that God's will may be done on earth as it is in heaven. No wonder many Christian lawyers find inspiration and purpose in this passage, a red-letter credo for their justice-seeking vocations.

Nevertheless, we must be careful to not reduce this extraordinary passage as a kind of bumper sticker slogan, a sentimentalized Precious Moments proof text, or, worse, a forged divine signature of approval on whatever social causes we may personally champion. Indeed, there has been a growing trend in recent years to turn Luke 4 into a scriptural mandate for Christians to rally behind the cause of "social justice."

Whether we see that as a promising or pernicious trend will hinge largely on what meaning we pour into the word combination of "social" and "justice." For some, social justice would be an apt description for Christians abolishing the infanticidal human dumps of the Roman Empire, the efforts of Granville Sharp, William Wilberforce, and the Clapham sect in the

United Kingdom, or Frederick Douglass, Sojourner Truth, and Harriet Tubman in the United States to abolish the dehumanizing slave trade. It could describe the resistance movements of Bonhoeffer or Sophie Scholl's White Rose Society to combat Hitler's Third Reich. Nowadays, the same combination of two words could describe Christian efforts to abolish human trafficking, work with the inner-city poor, invest in micro-loans to help the destitute in the developing world, build hospitals and orphanages, upend racism, and so much more.

But for many, the identical configuration of 13 letters is packed with altogether non-Christian and even anti-Christian meanings. "Social justice" has become a waving banner over movements led by "trained Marxists" with a stated mission to "disrupt the western-prescribed nuclear family structure," movements seeking to advance the multi-billion dollar abortion industry, movements on college campuses that have resorted to violence to silence opposing voices, and movements that seek through force of law to shut down bakeries, crisis pregnancy centers, the Little Sisters of the Poor, and Christian universities that will not bow to their orthodoxy.

My goal in this article is not to unpack all the deeply incompatible worldview presuppositions behind these two very different renditions of social justice. I have done that elsewhere.<sup>1</sup> My aim here is more modest. I hope to bring clarity to the question of whether Luke 4 is best interpreted as a social justice proof text. In particular, we will engage the increasingly pervasive claim that, based on this passage, we cannot edit social justice out of the gospel without settling for a "truncated" or "incomplete" gospel at best, and a Gnostic, individualistic, White supremacist gospel at worst. Those are the charges made with increasing frequency in today's Christian circles, particularly in the West. Here are five helpful questions we should ask about such an interpretation of Luke 4 as we reflect on our own pursuits of justice in the legal profession and as we engage our heated cultural moment.

<sup>1</sup> See *Confronting Injustice without Compromising Truth: 12 Questions Christians Should Ask About Social Justice* (Zondervan, 2020).

## 1. THE NOSE OF WAX QUESTION.

*Is it important to avoid reading our personal politics and perspectives into Scripture?*

American slaveowners twisted the Bible's original meanings about the curse of Ham, Paul's charge to Philemon, words like *doulos*, and more, all in a self-serving effort to justify treating Africans like property instead of divine image-bearers. God's Word was co-opted to justify White supremacy. As has been noted again and again throughout church history, the Bible can be easily turned into "a nose of wax,"<sup>2</sup> a nose that can be fashioned to fit the profiles of some very ugly ideologies. We should be extremely careful to let the context of a passage determine its meaning rather than any extra-biblical ideology.

Take the prosperity gospel, the televangelists' doctrine that God promises health and wealth. Luke 4 is one of the televangelists' favorite passages. "See, it's right there in the text. The gospel is 'good news to the poor' and restoring 'sight to the blind.' If you edit financial blessing and physical healing out of the gospel, then you have an incomplete gospel. Jesus does not just want your soul to float off to heaven; he wants health and wealth for the sick and poor *now!*" The stakes are high with such textual twisting. Over the course of my career, I have received hundreds of letters from poor image-bearers around the world who have been exploited by the false gospel of Benny Hinn, Kenneth Copeland, Fred Price, Creflo Dollar, and other religious con men. The letters are tear-jerking, and the impact of the false health and wealth gospel is nothing short of catastrophic, especially for the sickest and poorest among us.

We need to be extremely careful not to read into Jesus' words something He did not intend. Otherwise, we will end up with what Paul calls "a different gospel."<sup>3</sup> As Sam Chan puts it, "In Romans 1:1, the apostle Paul tells us that the gospel is 'the gospel of God;' it is God's gospel. This means that the story belongs to God; it is not our story to invent, modify, or embellish."<sup>4</sup> Do we believe it's not only possible to twist Scripture in general but this passage in particular to turn the gospel into a false ideology that hurts people, and that we must, therefore, take the context very seriously to avoid doing so? Hopefully we can all agree.

## 2. THE "TODAY" QUESTION.

*If Luke 4 means that the gospel is about confronting social injustice then, we may ask, what social injustices did Jesus confront that day?*

Let's look at the immediate context. Right after reading from the Isaiah scroll Jesus says, "Today this Scripture has been fulfilled in your presence" (Luke 4:21). Jesus goes on to set people free from sickness and demonic oppression. If justice is not merely an implication of a gospel-transformed life but intrinsic to the gospel itself, then we may ask: What social injustices did Jesus confront *that day*? If the Isaiah scroll was fulfilled "today in your presence," then what, if anything, resembling what people today call "social justice" did Jesus do *that day*?

Historian Margaret Killingray points out that when Jesus launched his ministry "[o]nly around two-percent of the population of a Roman town would be genuinely comfortably off. The vast majority would be destitute poor."<sup>5</sup> Some historians estimate that upwards of two-thirds of the Roman Empire was enslaved in the first century. There was no shortage of social injustice when Jesus read from the Isaiah scroll. If we believe that social justice is the gospel or part of the gospel, then we must conclude that Jesus himself preached a truncated gospel that day.

Does this mean that justice is *optional* for Christians? Of course not. "Do justice" is a command of Scripture. Micah 6:8 does not ask what does the Lord *suggest* of you, but "what does the Lord require of you but to do justice . . ." I am simply arguing from the text that keeping the biblical command to "do justice" is not the same as the gospel any more than telling the truth, staying faithful to your spouse, loving your neighbor, or carrying out any other divine command is the gospel.

## 3. THE GOSPEL ACCORDING TO JESUS QUESTION.

*What does Jesus actually preach to the poor?*

When Jesus declares His mission to "preach the gospel to the poor," He tells us a *community* He intended to bless with good news, not the *content* of the good news itself. CEO Frank says, "I came to give good news to the board." Professor Jill says, "I came to give good news to the students." Coach Bill says, "I came to give good

<sup>2</sup> Alain of Lille used this phrase to describe the abuse of Scripture in the 12<sup>th</sup> century, as did Johann Geiler von Kaisersberg in the 15<sup>th</sup> century and Albert Pighius in the 16<sup>th</sup> century.

<sup>3</sup> See Galatians 1:6–10.

<sup>4</sup> Sam Chan, *Evangelism in a Skeptical World: How to Make the Unbelievable News about Jesus More Believable*, Grand Rapids, MI: Zondervan, (2018), 18.

<sup>5</sup> Margaret Killingray, *The Bible, Slavery, and Onesimus, Anvil*, vol. 24, no. 2:85–96, 89 (2007).

news to the team.” We haven’t learned much about the actual content of their messages. The CEO’s boardroom briefing could be about a huge profit boost or a failing competitor. The professor’s lecture could be about an extra credit opportunity or the health benefits of green beans. The pep talk could be about rising to first place or an injury of the other team’s star player. Knowing who the *audience* is does not constitute knowing what the *announcement* is.

The phrase “good news to the poor” doesn’t spell out what precisely the good news is according to Jesus. We must be careful not to use Jesus’ words—“good news to the poor”—like a Rorschach ink blot to project our own meaning. Again, for the televangelists, the good news to the poor is that by believing hard enough (and proving that belief with large donations to the televangelists’ ministries) the poor can experience a hundredfold financial blessing.

Thankfully, we don’t have to dump our own definitions into Jesus’ good news. The New Testament records Jesus’ actual preaching to the poor. In Mark 1:14–15, we read that “Jesus came into Galilee, proclaiming the gospel of God. The time is fulfilled, and the kingdom of God is at hand; repent and believe in the gospel.” Two verses later Jesus calls his first disciples with the invitation, “Follow me.” Those words held tremendous force in first-century Judaism. To become a disciple of a rabbi was a long and arduous task. Candidates for discipleship often had to shadow rabbis for years, proving their merit and moral fitness. And maybe, just maybe, if they proved themselves worthy, they would hear the rabbi utter those words, “Follow me.” Jesus flips that whole system on its head, launching his whole ministry with an act of grace that spoke those cherished words to men who had done absolutely nothing to prove themselves.

Later in Mark, Jesus makes his famous statement that a camel has an easier time fitting through the eye of a needle than the rich do entering God’s Kingdom. His disciples are shocked and ask, “Who then can be saved?” Jesus looked at them and said, “With man it is impossible, but not with God. For all things are possible with God” (10:25–27). A few verses later Jesus defines His mission on earth to “give his life as a ransom for many” (10:45). After His resurrection Jesus commands his disciples to “Go into all the world and declare the gospel to the whole creation. Whoever believes and is baptized will be saved, but whoever does not believe will be condemned” (16:15–16).

In Luke, we find the famous parable of the prodigal son, in which Jesus makes it clear that God runs to us, embraces us, and showers us with blessings as a divine act of free, ill-deserved grace. Then, in Luke 18:13–14, it is not the Pharisee flaunting his own righteousness and giving to the poor, but the tax collector beating his breast crying, “God, be merciful to me, a sinner!” who goes home justified before God. At the first Lord’s supper, Jesus speaks of His death saying, “This cup that is poured out for you is the new covenant in my blood” (22:20). Read up on the “new covenant” from Old to New Testaments and you will see

the good news of salvation by grace alone throughout. Later Jesus tells the poor thief on the cross, “Truly, I say to you, today you will be with me in Paradise,” (23:43) though the thief had no time before his final breath to do any good works.<sup>6</sup>

Turning to John, Jesus addresses the poor on the shores of Capernaum. After Jesus brings up “eternal life,” the crowd asks, “What must we do, to be doing the works of God?” (6:28). Jesus did not say, “Go reform unjust systems.” Instead, “Jesus answered them, “This is the work of God, that you believe in him whom He has

*As has been noted again and again throughout church history, the Bible can be easily turned into “a nose of wax,” a nose that can be fashioned to fit the profiles of some very ugly ideologies. We should be extremely careful to let the context of a passage determine its meaning rather than any extra-biblical ideology.*

<sup>6</sup> In Luke 18, Jesus confronts those “who trusted in themselves that they were righteous.” He tells them a story in which a Pharisee prays self-righteously, “thank you that I am not like other men, extortioners, unjust, adulterers or even like this tax collector.” Then a tax collector—an oppressor who perpetrated social injustice against the poor—“beat his breast, saying, ‘God, be merciful to me, a sinner.’ The second man ‘went down to his house justified.’” Note his justification was by grace through faith. It was not contingent on him righting the social wrongs he had done, though such just action would be an expected aftereffect of his justification, as in the case of Zacchaeus.

sent” (6:29). At Lazarus’s tomb Jesus declares, “I am the resurrection and the life. Whoever believes in me, though he die, yet shall he live, and everyone who lives and believes in me shall never die” (11:25-26). In sum, there is no shortage of red letters to help us discern what Jesus actually preached to the poor.

Salvation by God’s grace alone through Christ is good news for the poor for several reasons. Oppressive governments and societies send a loud and clear message to the poor: *Your life has no worth!* I have listened to many dear oppressed brothers and sisters around the world. They have shared with me just how liberating the good news is, how subversive and revolutionary it is for them to hear that, even as society treats them like garbage, the sovereign Creator of the universe deems them worth enough to die for. If society treats you like subhuman scum, then it is profoundly good news to hear that God—whose perspective is infinitely more authoritative than politicians or their minions—declares you His beloved. You are loved, cherished, valued so much that God Himself was willing to enter all the inconvenience and agony of time-space history to die for you, so He could be with you forever.

If, however, the “good news” includes social activism, then where, we may ask, does Jesus preach such news to the poor anywhere in the red letters of the four gospels? Nowhere. This is not to say working toward justice is unimportant or unbiblical; it is simply saying that such work is not equivalent to the “the gospel” as defined by Jesus in Luke 4 or anywhere else in the New Testament.

#### 4. THE NEW TESTAMENT GOSPEL QUESTION.

*How is “the gospel” defined in the rest of Scripture?*

The good news Jesus preaches to the poor fits other New Testament passages that explicitly define the gospel for us. In 1 Corinthians 15, Paul says,

Now I would remind you, brothers of the gospel I preached to you. . . . For I delivered to you as of first importance what I also received: that Christ died for our sins in accordance with the Scriptures, that he was buried, that he was raised on the third day in accordance with the Scriptures (1 Cor. 15:1, 3-4).

Notice that “the gospel” is “of first importance.” And what is that gospel? It is the good news of free salvation by trusting in the sin-atonement death and bodily resurrection of Jesus. It shouldn’t surprise us that Paul understands the gospel this way, since he received it directly from Jesus.<sup>7</sup> Unlike toppling social and economic systems through social activism, this good news of salvation by grace through faith in Christ is what Jesus actually proclaims to poor in the red letters. It is what the earliest missionaries declare with astonishing saving results throughout the book of Acts. It is the same good news declared throughout the New Testament epistles. Ask those who include social justice in their definition of the gospel: *How does the New Testament’s consistent message of salvation by God’s grace alone fit into your definition of the gospel?*

If social justice is not the gospel, then some may ask, Why should we give a rip about the poor? For the same reason we should care about telling the truth, being faithful to our spouses, and not stealing. Because God commands us to, and such obedience is evidence that we have truly been saved by grace. If God is willing to go to the great lengths of the incarnation and bloody crucifixion to prove His love for the poor, then certainly we should be willing to go to great lengths to dignify those whom culture treats as worthless. Such love for the poor is not the gospel, but it is something that ought to flow from our hearts (and wallets and purses) if we recognize just how spiritually bankrupt we were when God sovereignly decided to make us rich through the death and resurrection of Jesus.

#### 5. THE UNINTENDED CONSEQUENCES QUESTION.

*Is it possible that redefining “the gospel” to include our own visions of social justice can prove harmful?*

Most of my friends and colleagues who see a gospel of social justice in Luke 4 link their understanding of social justice to specific political and economic systems. This is where things can get particularly dicey.

Let us not forget Chile in the early 1970s. Many socially concerned Christians rallied behind Salvador Allende’s presidential candidacy. They believed his socialist policies would expand the Kingdom of God, bringing good news to the poor by combatting income inequality. In their own words, Allende’s “Socialism . . .

<sup>7</sup> See Galatians 1:11–18. On the unity between Paul’s understanding of the gospel as Jesus’ gospel as laid out in Matthew, Mark, Luke, and John, see Simon Gathercole, “The Gospel of Paul and the Gospel of the Kingdom,” *God’s Power to Save*, ed. Chris Green (Nottingham, England: Inter-Varsity Press, 2006), 138–154, <https://media.thegospelcoalition.org/static-blogs/justin-taylor/files/2012/05/Gathercole-GODS-POWER-TO-SAVE-p138-154.pdf> (last retrieved March 4, 2020).

offers a possibility for the development of the country for the benefit of all, especially the most neglected.” They believed his “Socialism generate[s] new values which make possible the emergence of a society of greater solidarity and brotherhood.” “The profound reason for this commitment is our faith in Jesus Christ.”<sup>8</sup>

With Christian support, Allende won. In the name of helping the poor, he instituted socialist policies. He collectivized land and agriculture. Inflation skyrocketed 600 percent. Poverty rates jumped by 50 percent. Even more people were forced into the sad ranks of the neglected. Let us learn the lessons of history: Conflating Jesus’ gospel with political visions of social justice turns good news into bad news for the poor. Instead of misinterpreting Luke 4 as a proof text for our highly fallible political and legal ideologies, let us “contend for the faith that was once for all delivered to the saints” (Jude 3).

## OVERVIEW

This issue of the *Journal* was commissioned and composed to bring much needed clarity about how the historic Christian faith relates to some of the rising and dominant justice ideologies in the law and politics of our day. In “Do not Pervert Justice,” Brian Mattson contrasts the traditional and ultimately biblical notion of justice as blind and impartial with the rising tide of progressive jurisprudence that bakes partiality into its very definition of justice, while divorcing itself from any transcendent standard by which to judge its own ever-evolving moral and legal agenda. Jeffery Ventrella then enters the conversation with “Are Law and Public Policy Gospel Issues?” Ventrella places questions of the proper relationship between politics and the gospel within the

framework of the overarching narrative of the Christian faith, including the cultural, cosmological, and consummational dimensions of the gospel. Next, P. Andrew Sandlin’s piece “We’re All Progressives Now” traces the historic evolution of progressivism as a comprehensive secular worldview. Sandlin argues that what he dubs a “Christian, biblical progressivism” offers far brighter prospects for our future. This issue closes with Anthony Costello’s “Existentialism ‘Logic,’ Critical Theory, and the Law,” which offers a trenchant philosophical and historical analysis and critique of the subjectivist epistemologies that are trending in contemporary American law and politics. It is our hope that this collection of articles equips our readership to better understand the ideological undercurrents of our times as we work to fulfill our legal callings with faithfulness and gospel clarity.

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<sup>8</sup> Quoted in Gustavo Gutierrez, *A Theology of Liberation* (Maryknoll, NY: Orbis Books, 1986), 112–113.

# Was Jesus a lawyer??

The legal aspects of Jesus' ministry have long been obscured or misunderstood.



# JESUS IN THE COURT ROOM

How Believers Can Engage the Legal System  
for the Good of His World

JOHN W. MAUCK, JD

FOREWORD BY DAVID NAMMO, JD  
Executive Director and CEO, Christian Legal Society

JESUS IN THE COURTROOM helps us understand why we have not only failed to appreciate the legal aspect of Jesus' life, but also to understand and cooperate with his legal ministry to us and through us. If we are going to be faithful "citizen disciples" in this challenging new world, we need to look anew at how Jesus taught, thought, and interacted with the legal establishment of his day.

JESUS IN THE COURTROOM covers topics like:

- Strategic involvement in the law and with lawyers.
- How God has used the law to expand His Kingdom.
- Christian citizenship in matters like adoption, abortion, minimum wage, foster care, and schools.

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## DO NOT PERVERT JUSTICE

BY BRIAN G. MATTSON

Justice is a very popular word in contemporary American culture, but simply because something is popular does not mean it is understood. Terms like “economic justice” or “social justice” or “racial justice” or “environmental justice” are vague and ill-defined, not because we do not understand words like “economic,” “social,” “racial,” or “environmental,” but because we do not understand what is meant by *justice*.

The classic image of justice in western civilization is embodied in the statue that stands outside the United States Supreme Court in Washington, D.C. It is a lady, standing tall, with scales in her hand. The most important feature of the image is that she stands blindfolded. Justice is blind. She is not a respecter of persons. Her judgments are not swayed by money, power, or influence. Each and every person who stands before her stands equally. Legal progressivism fundamentally alters this picture by *removing the blindfold*. Rather than holding each and every person to an inalterable, common, universal standard of behavior, under the new magic formula a person is rewarded precisely because of one’s status. Lady Justice plays favorites. She metes out rewards and punishments based on whether one belongs to this minority group or that economic class, this racial group or that sexual orientation. The new formula for justice is the exact opposite of what justice really is.

### REMOVING THE BLINDFOLD

Former President Barack Obama gave voice to this novel understanding of justice when he nominated to the Supreme Court Sonia Sotomayor. In his nomination speech, he said that an outstanding intellect and recognition of the limits of the judicial role were not enough. A judge must have experience. Why experience? “It is experience that can give a person a common touch and a sense of compassion; an understanding of how the world

works and how ordinary people live. And that is why it is a necessary ingredient in the kind of justice we need on the Supreme Court.”<sup>1</sup> In other words, a judge with life experience will be able to have sympathy for one or more parties involved in a lawsuit. And, for her part, Ms. Sotomayor concurred, reiterating that her real-world experiences, her understanding of how her rulings would impact people (how the chips fall) would be a factor in her judicial analysis. This, in fact, had been a staple of her judicial worldview over her entire career. She was known in her speeches to include this line, repeatedly, word-for-word: “I would hope that a wise Latina woman with the richness of her experiences would, more often than not, reach a better conclusion.”<sup>2</sup> So somehow, in some way, the outcome is better because of the race and experiences of the judge? This is a bizarre sentiment that only makes sense if it involves a view of justice that does, in fact, remove the blindfold. The judge is to be sympathetic to one of the parties. In this case, unless she was literally saying that people of Latin descent are smarter than other racial groups (unlikely), the only reason the word “Latina” appears is to suggest she would have greater sympathy for minority groups in her rulings.

The Bible recognizes that the alternative to a fixed, transcendent standard of justice applicable to all is for the powerful to prey on the weak. There is a reason why Scripture constantly exhorts people to do justice for the poor, for the widow, for the orphan, and for the oppressed. What do these classes of people have in common? In ancient times, they were the weakest members of society. God understands that when justice is defined by the powerful, they will tend to define it in such a way as to protect their interests at the expense of the weak. Deny a higher law, and tyranny results. This is why God commanded the kings of Israel to personally, by their own hands, copy the scroll of Deuteronomy, keep

<sup>1</sup> “Remarks by the President in Nominating Judge Sonia Sotomayor to the United States Supreme Court,” May 26, 2009 ([http://www.whitehouse.gov/the\\_press\\_office/Remarks-by-the-President-in-Nominating-Judge-Sonia-Sotomayor-to-the-United-States-Supreme-Court](http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-in-Nominating-Judge-Sonia-Sotomayor-to-the-United-States-Supreme-Court)).

<sup>2</sup> “Sotomayor’s ‘wise Latina’ comment a staple of her speeches,” *CNN.com* (June 5, 2009) ([http://articles.cnn.com/2009-06-05/politics/sotomayor.speeches\\_1\\_sotomayor-s-confirmation-sotomayor-supporters-judge-sonia-sotomayor?s=PM:POLITICS](http://articles.cnn.com/2009-06-05/politics/sotomayor.speeches_1_sotomayor-s-confirmation-sotomayor-supporters-judge-sonia-sotomayor?s=PM:POLITICS)).

it with them at all times, and read it every day (Deut. 17:18). Perhaps it is not a bad idea to require that all legislators and executives in government hand-copy the Constitution and read it every day!

Scripture also recognizes that tyranny is not simply the province of a single tyrant. There is such a thing as a tyranny of the majority. God instructs: “Do not follow the crowd in doing wrong. When you give testimony in a lawsuit, do not pervert justice by siding with the crowd” (Exod. 23:2). Several components of this text are striking. First, it clearly means that justice is something above and beyond cultural conventions. Cultural conventions are precisely *what crowds think*. A “crowd” is the court of public opinion, we might say, or majority rule. But according to the Bible, the immorality of, say, murder does not rest on the fact that, well, “everybody knows ...” It is very nice that many people (the crowd) agree on that point, but that is not what makes it wrong. The Bible here declares that majority rule is insufficient to establish whether something is just or not. The minority, the weak, need to be protected from the strong when they are perverting justice, and so God disapproves of witnesses and judges who automatically side with public opinion.

## JUSTICE AND SOCIALLY DESIRED OUTCOMES

And yet I left out the rest of the verse, which adds something profoundly relevant to the question at hand: “and do not show favoritism to a poor man in his lawsuit.” That a minority is a minority, or a poor person is poor, does not entitle him or her to judicial favor. What God is clearly teaching is that status or identity is irrelevant to the matter of justice. Rich or poor, popular or unpopular, majority or minority, black or white, slave or free, none of it is relevant to justice. “Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly” (Lev. 19:15). Yet we live in a day and age when identity politics increasingly reigns. Who you are, your status or identity, has become an essential ingredient taken into account in our law courts, to the point where a Supreme Court justice brags that being a “wise Latina” enables her to give better judicial outcomes. And that is the point: justice is not whether this or that person conforms to the standard of the law; it is whether the desired outcome, which could have any number of rationales, is achieved.

Once justice is confused with desired outcomes, it is completely untethered to transcendent moral standards. It becomes completely arbitrary. One legal theorist describes the resulting basis for judicial analysis: “History or custom or social utility or some compelling sentiment of justice or sometimes perhaps a semi-intuitive apprehension of the pervading spirit of our law must come to the rescue of the anxious judge, and tell him where to go.”<sup>3</sup> History? Custom? Social utility? Compelling sentiment? Semi-intuitive apprehension? None of these are likely to be very predictable or reliable. Forget the anxious judge. It is far more anxiety-inducing for parties to lawsuits that a judicial outcome will depend on the sentiments and/or “semi-intuitions” of a given judge on a given day.

Confusing desired outcomes (e.g., “social utility”) with justice is the very essence of “siding with the crowd.” The “crowd” is the widely-desired outcome. The relevant question then becomes “Is it achievable?” rather than “Is it right?” This is, unfortunately, what judicial progressivism is about: judges imposing certain desired, “enlightened” outcomes on society. In contemporary America, those desired outcomes are usually the products of postmodern progressive philosophy: once again, the collectivist, “monist” vision of total egalitarianism. The goal is the absolute equality of everything, from economic equality to gender equality to equality of sexual orientation. If there is a distinction, it must be erased. If there is a hierarchy, it must be leveled. The mountains must be brought low and the valleys must be raised. Only then will the utopian vision of progressivism be realized. And if progressives cannot achieve this vision by persuading their neighbors, they will shop around for a judge willing to make their neighbors abide by their vision.

## THE LAW ABOVE THE LAW

So do we need a higher order of justice and morality? Do we really need transcendent standards or have we successfully moved beyond such outdated notions? It is instructive here to return to Bill Keller, former editor of *The New York Times*, and an op-ed he wrote questioning conservative Christian political candidates.<sup>4</sup> While on the one hand he wrote that he did not care about the specifics of one’s religious practices, on the other hand he writes: “I do want to know if a candidate places fealty to the Bible, the Book of Mormon [...] or some other

<sup>3</sup> Bradley C. S. Watson, *Living Constitution, Dying Faith—Progressivism and the New Science of Jurisprudence* (Wilmington, DE: ISI Books, advance copy, 2009), 149.

<sup>4</sup> Bill Keller, “Asking Candidates Tougher Questions About Faith,” *The New York Times*, August 25, 2011 (<http://www.nytimes.com/2011/08/28/magazine/asking-candidates-tougher-questions-about-faith.html>).

authority higher than the Constitution and laws of this country.” In the mind of Keller, having an authority higher than the Constitution and laws of this country is a very bad thing. A simple thought experiment will reveal how ridiculous this is.

Pretend the year is 1860. And pretend that Bill Keller directed this not toward Michele Bachmann or Rick Santorum, but rather to Abraham Lincoln. At the time, remember, the Constitution and laws of this country permitted slavery. Would Keller be concerned that Abraham Lincoln was claiming some extra-Constitutional moral authority to abolish slavery? There were people concerned about that at the time: southern slaveholders. And I, for one, am very glad that Abraham Lincoln derived his moral sense from a higher law than the Constitution and the laws of this country. Without that higher authority, the Constitution was an instrument, quite literally, of oppression. Lincoln himself addressed this very question!

You will not let us do a single thing as if it was wrong; there is no place where you will even allow [slavery] to be called wrong! We must not call it wrong in the free States, because it is *not* there, and we must not call it wrong in the slave States, because it is *there*; we must not call it wrong in politics because that is bringing morality into politics, and we must not call it wrong in the pulpit because that is bringing politics into religion ... and there is no single place, according to you, where this wrong thing can properly be called wrong!<sup>5</sup>

He certainly would not have thought much of Keller’s worries about having some authority higher

than the Constitution. Examples could be easily multiplied. British parliamentarian William Wilberforce fought for the abolition of slavery for decades against the overwhelming odds of “the crowd.” Slavery was allowed in British law. Who did he think he was, imposing his sense of morality on people? Or what does Keller make of Martin Luther King, Jr.? Was not the entire Civil Rights movement based on the notion that there is a higher order of justice that America, with her Constitution and laws, was failing to meet?

The progressive notion of justice, one in which there is no higher law than whatever good social ends the State deems necessary to be implement in the quest for a utopian world of peace and equality, is a tyranny of moral relativism. It is the positive embrace of days of the biblical Judges: “everyone did that which was right in his own eyes” (Judges 21:25). And that does not mean that everyone does as much evil as possible; it means that they can do evil if deemed necessary. Using justice as a rubber stamp of approval for our desired outcomes is the very essence of what the Bible means by “perverting justice.”

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<sup>5</sup> Abraham Lincoln, “Speech at New Haven, Connecticut [1860],” in *Lincoln: Speeches and Writings, 1859-1865* (New York: Library of America, 1989), 140-141.

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## ARE LAW AND PUBLIC POLICY GOSPEL ISSUES?

BY JEFFERY J. VENTRELLA

In today's 24-hour news cycle, political speech seems increasingly ugly, distasteful, uncivil, vulgar, immature, and counterproductive. The perception is that political engagement at best produces a Pyrrhic victory and at worst comprises a foolish Pickett's charge, distracting from, undermining, or erecting barriers to, the gospel and being "gospel-centered."

Given those perceived parameters, it's no wonder that non-engagement by some well-meaning Christians is increasingly justified by claiming politics "is not a gospel issue; let's just avoid politics and pursuing power for the gospel's sake." In such cultural moments, Christians may be tempted to conclude that politics is dirty and no Christian should be involved in law and public policy. Yet, what if politics, rather than being dirty, is instead a good work? What if the gospel not only has political implications, but is, in some sense, inherently political? In short, what if the political is a gospel issue?<sup>1</sup>

While today's believers seem to hold a welter of opinions about such things, the Apostle Paul approaches such things with refreshing clarity: "All Scripture is breathed out by God and profitable for teaching, for reproof, for correction, and for training in righteousness, that the man of God may be complete, equipped for every good work" (2 Tim. 3:16-17).

Let's do some sanctified thinking: Are the public square and the common good, including politics, areas that could benefit from *teaching*? Is there something to be *learned*? Are there politically-tethered concerns that need *correcting*? Would those working in these arenas benefit from "*training in righteousness*?" Is politics a good

work fitting for engagement by Jesus' followers? Are such things proper concerns of the institutional church and her ordained spokesmen?<sup>2</sup>

If the gospel is in some sense political and if politics comprises a good work, it follows that Scripture will impact our approach to this good work as a gospel effort. So, is the gospel political? The gospel is no abstract bag of propositions; rather, the gospel stems from and is proclaimed in three critical contexts: cultural, creational, and consummational. Each of these is decidedly political, and these contexts further signal that the gospel itself is inescapably political.

### THE GOSPEL'S CULTURAL CONTEXT: A POLITICAL CLIMATE

The early Christians, though pious, knew nothing of a truncated privatized faith. Rather, their faith had public traction precisely because it was lived publicly, including being clear about ultimate authority on heaven and earth, which is an inherently political notion. Consequently, we see boldness attached to the earliest public expressions and applications of theology, even at great personal and even political risk. Consider Peter's proclamation: "And there is salvation in no one else, for there is no other name under heaven given among men by which we must be saved" (Acts 4:12). It is one thing to express a religious preference; this was certainly common in Rome's polytheistic culture.<sup>3</sup> It was quite another, however, to proclaim and promote an *exclusivism* of one's religious convictions. This underlies Peter's point.

<sup>1</sup> To be clear, the issues explored here are not invitations to fuel partisan enmity, and no current political party ought to be wholly or uncritically baptized as being fully "Christian." Yet, it is also true that if a partisan political party embraces and promotes ethical views that are fundamentally antithetical to Christian morality such as promoting the "right" to take innocent life or undermining the creational norm of marriage, Christians ought not support that party or candidates that align with those ethical evils. In short, any initiative or candidate that commends or condones publicly as a policy what God condemns scripturally is rightly suspect.

<sup>2</sup> For an analysis of this last inquiry, see Jeffery J. Ventrella, *Politics and the Pulpit: What Does God Require?* (Coulterville, CA: Lulu, 2015).

<sup>3</sup> Steven D. Smith, *Pagans & Christians in the City: Culture Wars from the Tiber to the Potomac* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2018), especially chapter 3.

This exclusivism spawned a response from the legal and political realm, in what may be the first “speech codes.” Note how the public officials responded:

And when they had brought them, they set them before the council. And the high priest questioned them, saying, “We strictly charged you not to teach in this name, yet here you have filled Jerusalem with your teaching, and you intend to bring this man’s blood upon us.” But Peter and the apostles answered, “We must obey God rather than men.... [Sermon excluded.]” When they heard this, they were enraged and wanted to kill them (Acts 5:27-29, 33).

Certainly, this narrative reflects “gospel implications.” Yet, looking closely, we also see political implications given the cultural context. The Roman and Jewish opposition was not merely personal or subjective; it was institutional and stemmed from official objective political commitments. Those commitments clashed with the political commitment that underpins the gospel: Christ’s supreme Lordship.

Peter no doubt chose his words for maximum impact on his listeners. These words, especially Acts 4:12, are politically loaded because they mimic and thereby directly confront words uttered by the most powerful political man in the world at the time, Caesar Augustus, who had proclaimed just a few years earlier: “Salvation is to be found in none other [except] Augustus, and there is no other name given to men in which they can be saved.”<sup>4</sup>

As one scholar explains, “The political order embodied and manifested the divinity inherent in being, and salvation was therefore in and through this high point of power, Caesar. ‘Salvation is to be found in none other save Augustus, and there is no other name given to men in which they can be saved.’ Conflict between Christ and Caesar was thus escapable.”<sup>5</sup> Christ’s coming in this cultural context precipitated a clear, public, and unmistakable political clash. Peter succinctly puts it in the correct perspective, echoing and referencing, while almost mocking, Caesar’s proclamation and inscription. In this political and cultural “smack down,” there can be only one ultimate authority. Peter tells us that Jesus, not Caesar, is Lord. This is a radical, subversive, and

inescapably political claim. Politics are inevitable, *but* political power is penultimate, *not* ultimate. That is the gospel’s cultural message and context.

Nevertheless, just because the gospel is ultimate and politics is penultimate does not mean that the gospel is apolitical or that Jesus’ followers can be indifferent to politics. The cultural context dictates – and will always so dictate – otherwise. Jerusalem will always clash with Athens, as Tertullian remarked. That clash is inherently political.

## THE GOSPEL’S CREATIONAL CONTEXT: A POLITICAL CLIMATE

Christianity as a worldview is political in a real sense and, therefore, engaging in law and public policy is a legitimate and first order calling. As such, working in this arena is just as spiritually legitimate as so-called “full time gospel-centered ministry.” This is true not only given the gospel’s cultural context, but also because of its creational context.

When addressing those living in the heart of Caesar’s realm (Rome), Paul starts with cosmology, the structure of reality and the gospel’s creational context.<sup>6</sup> He does this before tackling technical theological themes like justification, sanctification, election, and glorification. It is this cosmological context that provides foundational points for rightly assessing and understanding law and politics. This also demonstrates the inherent political character of the gospel. One cannot disavow politics and simultaneously claim to be “gospel-centered” if one take’s Paul’s cosmology seriously.

Paul’s cosmology, that is, Twoism,<sup>7</sup> teaches two things: (1) reality and, therefore, law has an inherent structure, and (2) there can be no neutrality with respect to that structure. This is the gospel’s creational context and it, too, is unmistakably political. First, Paul sets forth a two-option cosmology, and this impacts what comprises law (Romans 1:18-32). *Either* reality is *two*, comprised of the Creator and Everything Else (Creation), *or* reality is *one*, a monistic metaphysic of the universe itself, expressed in a myriad of ways.

For Paul, one’s cosmology directly relates to behavior and, therefore, impacts law, jurisprudence, and policy. *Worldview* strongly correlates with *ethics*. Here is why: The

<sup>4</sup> Quote by Ethelbert Stauffer: *Christ and the Caesars*, pp 81-89 (Philadelphia: Westminster Press, 1955); Rousas John Rushdoony, *The Foundations of Social Order* (Fairfax, VA: Thoburn Press, 1978), 64. Notice also that Luke links and contrasts Caesar Augustus with “good news” (Luke 2:1, 10).

<sup>5</sup> Quote by Ethelbert Stauffer: *Christ and the Caesars*, pp 81-89 (Philadelphia: Westminster Press, 1955); Rousas John Rushdoony, *The Foundations of Social Order* (Fairfax, VA: Thoburn Press, 1978), 64.

<sup>6</sup> Romans, especially 1:18-32.

<sup>7</sup> See generally, Peter Jones, *One or Two—Seeing a World of Difference* (Escondido, CA: Main Entry Editions, 2010).

Twoist reality is that God is holy, that is, utterly other from Creation. There exists a fundamental Creator-creature distinction. The Creator alone is independent, as Paul affirms during his engagement in the Pagan public square.<sup>8</sup> He grounds his argument in creation/cosmology:

The God<sup>9</sup> who made the world and everything in it, being Lord of heaven and earth, does not live in temples made by man, nor is he served by human hands, as though he needed anything, since he himself gives to all mankind life and breath and everything. And he made from one man every nation of mankind to live on all the face of the earth, having determined allotted periods and the boundaries of their dwelling place.<sup>10</sup>

This establishes another exclusive claim: Only God is transcendent and, therefore, only his law is truly transcendent. Consequently, in this cosmology, positive law and politics are necessarily *dependent on* and *derivative from* this independent transcendent God: “for ‘In him we live and move and have our being,’ as even some of your own poets have said, ‘For we are indeed his offspring’” (Acts 17:28). Because the Creator alone is transcendent (holy and independent), His law will necessarily be transcendent, the “Law above the law,” otherwise known as the “natural law” of Thomas Aquinas or the “Tao” of C.S. Lewis. This structure generates implications for understanding and rightly ordering law and politics, as Martin Luther King, Jr. argued so persuasively in his “Letter

from a Birmingham Jail.” Oliver O’Donovan explains: “The state exists in order to give judgment, but under the authority of Christ’s rule it gives judgement under law, never as its own law.”<sup>11</sup> The revelation of God in Christ has a relativizing effect on the powers that be: “The legislative activity of princes, then, was not a beginning in itself; it was an answer to the prior lawmaking of God in Christ, under which it must be judged. Christendom in effect refused the classical commonplace that the ruler was ‘living law,’ his personal authority indistinguishable from the authority of the law he gave.”<sup>12</sup> O’Donovan concludes, “And so from the matrix of Christendom we witness the birth of constitutional law.... Law not only proceeds from the ruler; it precedes him. His own legitimation must be a matter of appeal to law.”<sup>13</sup>

The earthly political authority is only derivatively political because it stems from an ultimate political authority: Christ the Lord. Accordingly, all earthly authority, including political authority, though generally legitimate,<sup>14</sup> must be derived “from above” as Jesus

told the politician Pilate (Jn. 19:11). It is neither autonomous nor independent. Human law either aligns and coheres with the higher law or it doesn’t.<sup>15</sup> D.A. Carson states it in starkly biblical and inescapably political terminology: “Jesus Christ is Lord. That is the first and final assertion Christians make about all of reality, including politics. Believers now assert by faith what one day will be manifest to the sight of all: every earthly sovereignty is subordinate to the sovereignty of Jesus Christ.”<sup>16</sup> Politics *per se* cannot possibly be “dirty” because Christ

*Peter tells us that Jesus, not Caesar, is Lord. This is a radical, subversive, and inescapably political claim. Politics are inevitable, but political power is penultimate, not ultimate. That is the gospel’s cultural message and context.*

<sup>8</sup> See the encounter of Paul with the Greek intelligentsia at the Areopagus reported in Acts 17.

<sup>9</sup> Note that Paul here is echoing what he teaches in Romans 1:21, people know “the God” [gnotes ton theon].

<sup>10</sup> Acts 17:24-26 (ESV).

<sup>11</sup> Oliver O’Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge University Press, 1999), 233.

<sup>12</sup> O’Donovan, *The Desire of the Nations*, 234.

<sup>13</sup> O’Donovan, *The Desire of the Nations*, 236. See also James K. A. Smith, *Awaiting the King: Reforming Public Theology* (Grand Rapids, MI: Baker Academic, 2017), 100, 101.

<sup>14</sup> See Romans 13.

<sup>15</sup> For a more in-depth jurisprudential exploration of the implications of this point, see Jeffery J. Ventrella, “Christ, Caesar, and Self: A Pauline Proposal for Understanding the Paradoxical Call for Statist Coercion and Unfettered Autonomy,” in Bradley C.S. Watson, editor, *Diversity, Conformity, and Conscience in Contemporary America* (Lanham, Maryland: Lexington Books, 2019), 55.

<sup>16</sup> D.A. Carson, *Christ and Culture Revisited* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2008), 203, quoting Richard John Neuhaus.

Himself holds a political office from which all earthly authority derives: He is Lord.<sup>17</sup> R.J. Rushdoony put it this way, “Christian faith is either relevant to all of life or it is relevant to none of it: the claims of God are either total, or He is not God. To ask Christianity to stay in its own territory is to ask it to stay in all of life.”<sup>18</sup>

What is the aim or *telos* of a faithful, ordered Christian presence in law and politics? In what direction should Christians propose and seek to influence policy? Daniel Driesbach describes the vector and motif of a God and gospel-shaped faithful presence in the political and legal sphere:

The cause of liberty is the cause of God; God favors and approves the cause of liberty, and tyranny and arbitrary rule are offensive to Him. Indeed, a state of tyranny, slavery, or sin represents a disordering of God’s moral structure of a purposeful universe. Slavery, in particular, was often depicted as a condition worse than death. Liberty, in short, is the most cherished possession of a free, civilized people. The discourse on liberty emphasized that liberty must be distinguished from license.<sup>19</sup>

How, then, should we act politically, given this creational-normative context? Douglas Farrow crystalizes this by noting the impossibility of political neutrality and then identifying Christians’ political marching orders in light of that reality:

First, we must offer a potent and relentless critique of our society’s habitual evasion of truth. What we need to point out to our fellow citizens, . . . is that man is not and cannot be philosophically or theologically neutral. Neither then can politics, if politics means to be human. There is no presuppositionless political sphere, no sphere in which nothing is

directly implied about the nature of God or of man. There is no polis that has no determinate loves, that makes no commitments, that renders no firm judgment of good and evil, that has no God or gods.<sup>20</sup>

This is the inescapable political implication of the Christian faith. It is Christian secularism. The state does not address the Church or the Christian citizen with an independent authority capable of overruling the law of God, whether as natural law or as the law of Christ. The state, indeed, does not address any citizen with such an authority. The state performs a limited service (both to God and to civil society) and can lay claim only to a limited and derivative jurisdiction. Where it steps beyond that, or presumes to have its authority without being under authority, it does so without any moral warrant and its laws are not morally binding.<sup>21</sup>

Put differently, Christians cannot commend publicly what God condemns scripturally if “good” and “evil” are to retain any functional meaning.<sup>22</sup> John Murray applies these insights to the institutional church’s role:

When laws are proposed or enacted that are contrary to the Word of God, it is the duty of the church in proclamation and in official pronouncement to oppose and condemn them. . . . It is misconception of what is involved in the proclamation of the whole counsel of God to suppose or plead that the church has no concern with the political sphere. The church is concerned with every sphere and is obligated to proclaim and inculcate the revealed will of God as it bears upon every department of life.<sup>23</sup>

Consider this thought experiment in light of these admonitions: Understanding the inherent political nature of the gospel and God’s concern for liberty and the

*Christians cannot  
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<sup>17</sup> And he is not running for re-election!

<sup>18</sup> R.J. Rushdoony, *Thy Kingdom Come* (Vallecito, CA: Thoburn Press, 1970), 178.

<sup>19</sup> Daniel L. Driesbach, *Reading the Bible with the Founding Fathers* (New York, NY: Oxford University Press, 2017), 203.

<sup>20</sup> Douglas Farrow, *Desiring a Better Country: Forays in Political Theology* (London, Canada: McGill-Queen’s University Press, 2015), 57-58.

<sup>21</sup> Douglas Farrow, *Desiring a Better Country: Forays in Political Theology* (London, Canada: McGill-Queen’s University Press, 2015), 95-96.

<sup>22</sup> See also, note 5.

<sup>23</sup> Quoted in D. James Kennedy, *What If Jesus Had Never Been Born?* (Nashville: Thomas Nelson, 1994), 240.

public square, you promote the Common Public Good and actually achieve the following: the sick are healed, the dead raised, lepers cleansed, and demons cast out. What an indisputable contribution to the Common Good! This is exactly what happened to the early disciples as they too took this inherently political gospel into the public square. In Jesus' words,

Behold, I am sending you out as sheep in the midst of wolves, so be wise as serpents and innocent as doves. Beware of men, for they will deliver you over to courts and flog you in their synagogues, and you will be dragged before governors and kings for my sake, to bear witness before them and the Gentiles.... and you will be hated by all for my name's sake. But the one who endures to the end will be saved.

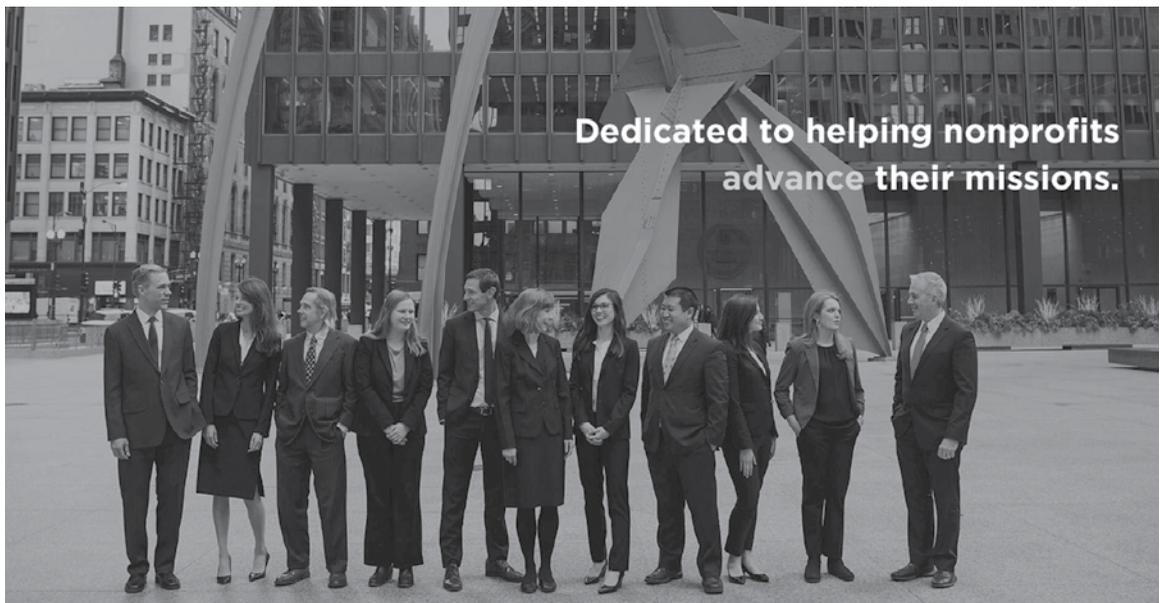
The first thing we must understand about faithfully engaging the public square is this: There exists an irreducible offense to the gospel, when it is lived and acted upon. That offense is often manifested politically. Faithful Christians must dispense with the myth that if we only did Christianity the right way, no one would get offended. The reality is that we can contribute

to the common good and still encounter opposition, conflict, and strife, particularly from society's political operatives.<sup>24</sup>

This sort of engagement is part and parcel of living an increasingly mature Christian life. A maturing faith will encounter conflict in the political realm, as John Frame notes:

Christian maturity is tested by its willingness to go against the odds, to go against the intellectual and practical fashions in the service of the King. It is easy enough to be a Christian when that merely requires us to be nice people. But love for Jesus which is motivated by his great sacrifice, requires far more. It calls upon us to renounce what Scripture calls the "wisdom of the world," the fashionable ideas and practices of our society, and to count them as rubbish for the sake of Christ. We honor those like Noah, who built an ark though the world scoffed; like Abraham, who set aside the evidence of his senses and the laughter of his own wife to believe that God would miraculously provide a son; like Moses, who stood up to Pharaoh and brought him the word of God;

<sup>24</sup> Jesus' warning is plainly not idiomatic nor a "one off" as the subsequent Acts 5 encounter makes plain.



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like Daniel, who faced lions rather than worship an earthly king; like Peter and John, who told officials that “we must obey God rather than men” (Acts 5:29).<sup>25</sup>

As we mature, the clash that occurs often manifests itself in public conflict with political entities. Recall that Christians are deemed “ambassadors” (2 Cor. 5:10), a stark political term, who represent a world-rivaling political entity, God’s Kingdom, and its Sovereign, the Lord. This reality verifies the gospel’s inherent political character.

## THE GOSPEL’S CONSUMMATIONAL CONTEXT: A POLITICAL CLIMATE

The gospel’s context is not only creational and cosmological. Nor is that context only cultural. It is also consummational. History is not Lord as Hegel posited; rather God is the Lord of History because the Lord of Creation is the Lord of History and history’s aim: consummation. To appreciate this contextual aspect of the gospel, we must ask: What is inevitable? This can be a tricky inquiry because answers can be driven not by “facts,” but by plausibility narratives or structures, the now trendy “Overton Window.”

For example, during the Cold War, virtually no one thought that the Soviet Bloc would fall. Virtually everyone thought that Soviet oppression was inevitably permanent.<sup>26</sup> Soviet totalitarianism’s reign over Europe, however, was not inevitable. Why? Those who contended against Soviet domination operated according to a different plausibility narrative. Soviet domination was not ultimate according to this alternative account and, therefore, it was not inevitable.

The same holds true in our cultures as the restoring and renovating Kingdom of God comes in some measure, propelled in part by God’s fidelity in answering these prayerful petitions, “thy kingdom come, thy will be done *on earth*,” (Matt. 6:10) coupled with “*deliver us from evil*” (Matt. 6:13). It follows that a culture of death is *not* inevitable. A culture of broken sexuality and redefined matrimony is *not* inevitable. A culture of censored and stigmatized religion – belief as well as exercise – is *not* inevitable. Why? Because, as Christians, we have been told what actually *is* inevitable. “Woe to him who builds a town with blood and founds a city on iniquity! Behold, is it not from the Lord of hosts that peoples labor merely for fire, and nations weary themselves for nothing? For the earth will be filled with the knowledge

of the glory of the Lord as the waters cover the sea” (Hab. 2:12-14).

It’s crucial to understand the Christian – not Hegelian – view of history as driving toward the consummation. Christopher Dawson summarizes:

It is essential above all to recover the traditional Christian conception of history: first, the doctrine of the transformation and re-creation of humanity in the Incarnation; secondly, the traditional Christian theory of the successive world ages as progressive stages of revelation; thirdly, the ideal of the expansion of the Kingdom of God by the incorporation of the nations in the Kingdom and the enrichment of the Christian tradition by the various contributions of different national cultures and traditions; fourthly, in relation to this, the idea of a providential preparation through which all the positive elements in the pre-Christian and non-Christian world find their fulfillment in the Kingdom of God.

In view of Dawson’s insight, how should we assess our society and our cultural, political, and legal future? Herman Bavinck answers:

An army of evils besiege the life of the family: the infidelity of the husband, the stubbornness of the wife, the disobedience of the child; both the worship and the denigration of the woman, tyranny as well as slavery, the deduction and the hatred of men, both idolizing and killing children; sexual immorality, human trafficking, concubinage, bigamy, polygamy, polyandry, adultery, divorce, incest; unnatural sins where by men commit scandalous acts with men, women with women, men with boys, women with girls, men and women and children with each other, people with animals; the stimulation of lust by impure thoughts, words, images, plays, literature, art, and clothing; glorifying nudity and elevating even the passions of the flesh into the service of deity—all of these and similar sins threaten the existence and undermine the well-being of the home.<sup>27</sup>

This certainly sounds like today’s headlines although Bavinck wrote over a century ago. There’s a crucial lesson here. We too often get caught up in the extant

<sup>25</sup> John M. Frame, *The Doctrine of the Christian Life* (Phillipsburg, N.J.: P&R 2008), 728,729.

<sup>26</sup> See Anne Applebaum, *Iron Curtain: The Crushing of Eastern Europe 1944-1956* (New York: Anchor Books, 2012), 460.

<sup>27</sup> Herman Bavinck, *The Christian Family* (Grand Rapids, MI: Christian Library Press, 2012), 22.

historical or cultural moment and thereby lose sight of the larger context. As we contemplate and engage in the public square, we must keep our eyes on not only what currently is, that is, the present crisis, but also what is actually inevitable, namely, the consummational context of the gospel. God creates, God redeems, and God restores, all of which is ultimately consummated. This is the story, God's story as he relates to His Creation. What is the narrative arc of that story? Do we "get" that story via the Internet, blogs, or tweets? No, we get it from God Himself. So, again, what is God's narrative arc?

Briefly outlined, Scripture teaches us that God is the Victorious One. His victory...

... occurs *antithetically*, that is, along the lines of the Antithesis God Himself places in history. Conflict, ordained of God, serves redemption: "I will put enmity between you and the woman, and between your offspring and her offspring; he shall bruise your head, and you shall bruise his heel" (Gen. 3:15).

... occurs *progressively*, that is, incrementally, by regeneration and rule, not revolution and rebellion: "For to us a child is born, to us a son is given; and the government shall be upon his shoulder, and his name shall be called Wonderful Counselor, Mighty God, Everlasting Father, Prince of Peace. Of the increase of his government and of peace there will be no end, on the throne of David and over his kingdom, to establish it and to uphold it with justice and with righteousness from this time forth and forevermore. The zeal of the LORD of hosts will do this" (Isa. 9:6, 7).

... occurs *with some measure of redemptive Christian culture production*: "They shall not hurt or destroy in all my holy mountain; for the earth shall be full of the knowledge of the LORD as the waters cover the sea" (Isa. 11:9).

Thus, as God moves in history bringing redemption to the entire fallen cosmos, one aspect will necessarily be cultural transformation. Such transformation will necessarily manifest itself *politically* and *socially*, that is, not merely or solely in the hearts of believers. Scripture's witness both anticipates this transformation and describes its inauguration as an aspect of the coming and ruling of Christ, the Messiah via His Kingdom. For example, before Christ, the coming redemption is depicted as gloriously expansive as childless Abraham is told he

will be the father of numerous nations.<sup>28</sup> The Psalms comfort those suffering and struggling with a sure promise that one day, political efforts to oppose the Anointed One's loving rule will be stifled,<sup>29</sup> and that rulers and even entire nations will submit to Him.<sup>30</sup> Redemption's political dimension is explicit, not exclusive, but explicit.

Daniel speaks of successive kingdoms that supplant one another – again political and legal collectives. Note well the prophetic emphasis on the final and enduring kingdom, "the God of heaven will set up," and kingdom "cut . . . by no human hand" (Dan. 2:44, 45). It is

Messiah's Kingdom. This Kingdom not only supplants, it expands.

The New Testament puts meat on the Old Testament's anticipatory skeleton. Consider Matthew's witness. After Jesus explains that given certain signs, one may properly conclude that the Kingdom has arrived in His work and person.<sup>31</sup> He then explains the nature and character of that now present Kingdom. This Kingdom will grow *quantitatively*<sup>32</sup> and have a *qualitative* impact as it does so.<sup>33</sup> As it develops, Jesus informs us that this expansion is global, like a wheat field, not a tare field, and the field represents the *entire world*.<sup>34</sup>

*Thus, as God moves in history bringing redemption to the entire fallen cosmos, one aspect will necessarily be cultural transformation. Such transformation will necessarily manifest itself politically and socially, that is, not merely or solely in the hearts of believers.*

<sup>28</sup> See Genesis 12 ff.

<sup>29</sup> Psalm 2: *Kings and rulers* – political operatives – seek to oppose the law of the anointed one by "bursting their [God and His anointed] bonds." God laughs at their efforts. Then David counsels these leaders that wisdom consists in serving – not opposing – this coming King.

<sup>30</sup> Psalm 72 describes the increasing fruits of this prayer-answering reality until the "whole earth be filled with his glory!" (v. 19).

<sup>31</sup> Matthew 12:28 (ESV).

<sup>32</sup> Matthew 13:31, 32, like a mustard seed (ESV).

<sup>33</sup> Matthew 12:33, like a lump of leaven (ESV).

<sup>34</sup> Matthew 13:38 (ESV).

As history moves toward consummation, this Kingdom's promised victory is historically manifested to some degree prior to the glorious Second Advent. Paul teaches that as Christ reigns He subdues His enemies: "For he must reign [at the Father's right hand] until he has put all his enemies under his feet" (1 Cor. 15:25). The author of Hebrews provides similar comfort: "But when Christ had offered for all time a single sacrifice for sins, he sat down at the right hand of God, waiting from that time until his enemies should be made a footstool for his feet" (Heb. 10:12, 13).

Accordingly, Paul can confidently assure first-century believers that Satan, the Adversary, is crushed in history by these same believers, as predicted in Genesis 3: "The God of peace will soon crush Satan under your feet. The grace of our Lord Jesus Christ be with you" (Rom. 16:20). This is an application of the consummational perspective of living the gospel. As Joe Boot notes, expanding on John's metaphor of Jesus being the Light:

The light exposes the spiritual antithesis at work in the world and we are promised that darkness cannot overcome its illuminating presence. The works we are called to do are also works of light, which are kingdom works grounded in truth and righteousness, or justice. Nothing in scripture limits these works of light to ecclesiastical activities; indeed, these works are the totality of our life, because "we are his workmanship."<sup>35</sup>

John informs us that this constitutes the reason the Son of God came, particularly targeting the devil's demonic works: "Whoever makes a practice of sinning is of the devil, for the devil has been sinning from the beginning. The reason the Son of God appeared was to destroy the works of the devil" (1 Jn. 3:8). What in history replaces these destroyed demonic works? Good works, works God prepared for those living the Christian life faithfully in history: "For we are his workmanship, created in Christ Jesus for good works, which God prepared beforehand, that we should walk in them" (Eph. 2:10). Elsewhere, Paul speaks of Christ's work to "purify for himself a people for his own possession who are zealous for good works" (Titus 2:14). For Paul, ameliorating lawlessness and unrighteousness is not limited to curing souls, or edifying families, or congregations. In his robust cultural, creational, and consummational

worldview, law and politics should impact the public square as well.<sup>36</sup>

In closing, consider a yuletide tradition: singing the "Hallelujah Chorus" from Handel's *Messiah*. As Bishop N.T. Wright notes, the libretto invokes Rev.11:15,<sup>37</sup> but *where* and *how* Handel uses this text is often underappreciated:

Christian mission means implementing the victory that Jesus won on the cross. Everything else follows from this. The point is that this victory – the victory over all the powers, ultimately over death itself – was won through the representative and substitutionary death of Jesus, as Israel's Messiah, who died so that sins could be forgiven. When Georg Frideric Handel set scripture passages to music in his oratorio *Messiah*, this text [Rev.11:15] from Revelation was used in his "Hallelujah Chorus," a powerful celebration of the kingdom of God on earth as in heaven.

Wright continues:

But my point is not just this chorus itself. What matters even more is where the chorus comes in the work as a whole. The selection and arrangement of texts were not random. The oratorio divides into three parts: first, the hope for the Messiah, and his birth and public career; second, his death and resurrection and the worldwide preaching of the gospel; third, the resurrection of the dead and the joy of the new creation. The "Hallelujah Chorus" celebrates the fact that the true God now reigns over the whole world, so that their kingdoms have become his; and it is placed not at the end of the third and final part, but at the end of the second part.

Wright closes:

This reflects closely the view of mission held by many in the seventeenth and eighteenth centuries (the first performance of *Messiah* was in 1742). First would come the worldwide kingdom, achieved through the preaching of the gospel; then, and only then, the final resurrection. The aim of "mission" was therefore then to bring the nations into

<sup>35</sup> Brian G. Mattson, *Cultural Amnesia* (Billings, MT: Swinging Bridge Press, 2018), citing Joseph Boot, vii, viii.

<sup>36</sup> See, e.g., 1 Tim. 1:8-10 (ESV).

<sup>37</sup> "The kingdom [or "kingdoms," KJV or NKJV] of the world has become the kingdom of our Lord and of his Christ, and he shall reign forever and ever."

submission to God the Creator and to his Son, Jesus the Messiah. That is, after all, what Psalm 2 had indicated as the divine purpose. And Psalm 2, speaking of the dramatic divine victory over all enemies, was the text set immediately before the “Hallelujah chorus.” It was quite clear what view of “mission” was being advocated.<sup>38</sup>

This mission, so beautifully framed by Handel, is decidedly political. First, it rests on a political foundation, that is, on God who is the Sovereign Creator. Second, it confronts and subdues political cultures that mistakenly and arrogantly presume their own ultimacy. Third, it moves toward a consummation resulting in the full-orbed manifestation of a political entity, the Kingdom of God.<sup>39</sup>

The gospel, therefore, cannot not be, a political matter. To claim otherwise is to truncate the good news and to deny what God Himself promises, to equip us for every good work, including works of law and policy which

are thus inescapably “gospel issues.” This is infallibly good and hopeful news, despite the rancorous twitterverse and the sour-faced 24-hour news cycle.

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<sup>38</sup> N. T. Wright, *The Day the Revolution Began* (New York, NY: HarperCollins Publishers, 2016), 358.

<sup>39</sup> And, this understanding is not only reformational: “The positive expressions are pervasive and conspicuous, if we are inclined to notice them. So we see Christian religion enlisted in the consecration of kings and emperors.... The acknowledgment of Christianity as an authority is evidence in the political rhetoric of the medieval period in which, even as kings battle the church, they defer to and enlist Scripture and Christianity in their own cause.” Steven D. Smith, *Pagans & Christians in the City: Culture Wars from the Tiber to the Potomac* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2018), 213.



## WE ARE ALL PROGRESSIVES NOW

BY P. ANDREW SANDLIN

Use of the term “liberal” to describe the elite political vision of our time has gradually fallen into disuse. It’s being replaced by “progressive.” While “liberal” is a term highlighting condition (freedom), “progressive” connotes dynamism (movement).

In the United States, this language first came to the forefront in the Progressive Era, from the late 19<sup>th</sup> century through the early 20<sup>th</sup> century. It was marked by a strong reaction by the professional class against what they considered large, conglomerate interests, big-city political bosses, and national corporations. Corporate monopolies in bed with powerful politicians were, according to the early progressives, undermining democracy. A textbook example of this progressivism was Teddy Roosevelt, who from his days in the New York state legislature all the way to the presidency, wielded his moralistic billy club against all corruption, real or imagined.

### ENLIGHTENMENT PROGRESS

When today’s progressives use the term, however, they are generally not thinking about the Progressive Era which, incidentally, coincided with a decisive shift in the meaning of “liberal”: from individual liberty, the philosophy of the founding, to the employment of the federal government’s billy club to cut big business down to size. Rather, the historical parent of today’s progressivism is the European Enlightenment. One of its towering figures, Immanuel Kant, defined “enlightenment” as man’s emancipation from external authorities like kings, priests, and the Bible. The very terminology, moreover, displayed historical periodization: The Greco-Roman world lit a candle for the benighted ancients, but it was almost extinguished in the Christian medieval world, the “Dark Ages,” so-called. But in the 18<sup>th</sup> century, figures like Kant, Voltaire, and Hume reignited the flame of knowledge and reason against divine revelation and other superstitions.

Enlightenment can never be static. Intrinsic to it is progress. Light is shining increasingly all the time and dispelling darkness as it increases (an alternative to Jesus Christ as the light dispelling the darkness). To be enlightened is to be progressive. Naturally, this view of

progress includes man himself, notably his perfectibility. The conventional (and biblical) assumption that man has a fixed nature was considered a retrograde conviction that stifled social advances. Everything progresses, including the very nature of man. New Man replaces traditional man.

Until the 18<sup>th</sup> century, almost all societies (even the Renaissance, which supported historical recovery more than progress) saw a major responsibility of culture to be the preservation of the leading elements of the past. By contrast, Enlightenment societies wanted to be judged on the extent to which they correct or, increasingly, abandon the past. Scientific and technological progress was simply undeniable and was by every account a boon to the modern world. It was almost everywhere assumed, however, that intellectual and moral progress naturally parallels scientific and technological progress. iPhones are obviously superior to rotary phones, and gender fluidity is obviously superior to heteronormativity. In Kenneth’s Minogue’s terse description, “Whatever comes later is better.”

Progressivism pervades modernity, and the terms are now almost synonymous. Progressivism is not a particular limited perspective from which to view the world, but in modernity it is an (perhaps the) overriding perspective. Not surprisingly, it includes planned obsolescence: products (and ideas) are created for the purpose of their swift replacement by newer, better ones. My 2013 Chevrolet Impala is far, far out of date, despite the fact that it runs just fine. It was built to be soon out of date.

### PLANNED OBSOLESCENCE

More momentous, of course, is ethical obsolescence, the almost universal idea that the deepest ethical convictions of our predecessors were perfectly fine for their day, but now belong to the ash heap of history. There is a heavy dose of Hegel’s and Marx’s dialectics in this viewpoint, by the way, since, in abandoning moral absolutes, progressivism could never say, for example, that opposition to homosexuality is always and everywhere wrong, but only that it is wrong today because humanity has come of age. We must topple and vandalize statues

of Christopher Columbus and Robert E. Lee not so much because they were evil men in their own time, but because the memorials today honor what we *presently* know to be evil.

### “TODAY IT IS NO LONGER POSSIBLE”

One of the leading 20<sup>th</sup>-century Christian philosophers to have outlined the development of progressivism is Augusto Del Noce. He declares that progressivism can be identified by the “today it is no longer possible” mentality. “Today it is no longer possible” to bind humanity to external moral standards. Or: to argue that homosexuality and abortion are morally wrong. Or: to intelligently believe that the universe did not evolve from nothingness and chance but rather was created by an infinite personal Triune God. It is not so much that these ideas are wrong as that they are simply unthinkable to thinking people, which is to say progressive people.

### PROGRESSIVISM AS MYTH

Christianity has not been immune to progressivism by any means. Protestant liberalism crested, not surprisingly, a little over 100 years ago, coinciding with increasingly secular views of progress. The supernatural elements of the historic and biblical Christian faith had to be left behind, because “it [was] no longer possible” to think in terms of the supernatural. In the parlance of massively influential New Testament theologian Rudolf Bultmann, the faith, therefore, had to be “de-mythologized,” that is, progressivized. He had things just backwards: progressivism is the untested myth that supplies meaning for a culture that has lost faith in God’s revealed meaning for the cosmos.

### THE CONSERVATIVE PROGRESSIVES

It would be a mistake to assume that this capitulation to progressivism did not infect conservatives. Protestant evangelicalism increasingly becomes a succession of “movements.” If we consider merely the successions over the last few decades, we encounter the seeker-sensitive movement, the missional movement, the Emergent movement, and, most recently, the evangelical iteration of Critical Race Theory. These short-lived movements seem to have their heyday and then they dutifully depart stage left, to be replaced by the latest shiny movement. Progress and planned obsolescence meet the conservative church.

In U.S. politics, the Democrat Party is rife with progressivism. The media routinely refer to Joe Biden as “moderate” and Alexandria Ocasio-Cortez as “progressive,” despite the fact that Biden has promised that

passing the pro-LGBTQ+ “Equality Act” is his first legislative priority. Less than ten years ago, cutting-edge progressives were advocating same-sex unions as an alternative to the hugely controversial same-sex “marriage.” That idea is now considered archaic even by most leading conservatives. Same-sex unions are so 2011. Joe Biden and AOC are both progressive, just differently situated on the ever-shifting progressive continuum.

Progressivism is not limited to Democrats. Republicans, even many of the most conservative among them, are not immune. President Donald Trump manfully resisted aspects of the progressive agenda like abortion on demand, cancel culture, and anti-Americanism. In others, however, he reflected the indelible impress of progressivism. For example, he congratulated himself on being identified as the most pro-gay president ever. In fact, he is the only president in U.S. history to have taken office supporting gay “marriage.” Barack Obama only “evolved” to that conclusion during his presidential term under the influence of his teenage daughters.

The president is not the only well-known conservative to have exhibited progressivism. Fox News is widely known as a conservative news network, but one will almost never hear any editorial opinion opposing same-sex “marriage” or homosexuality. These are things you just don’t talk about publicly. “Today it is no longer possible” to express this viewpoint in enlightened company. Liberals and conservatives, Democrats and Republicans, denominational mainliners and evangelicals, young and old — we’re all progressives now.

### THE PROGRESSIVES’ MORAL POSTULATE

Behind the idea of relentless progress, of unchangeable change, is the single moral postulate eroding all others: “History [is] an irreversible process toward the disappearance of religious transcendence... the intra-worldly process of historical transformation” (Del Noce).

In simpler terms, whereas God and His revelation was once the touchstone for everything, the touchstone has now been dragged down into and immersed within history itself, and cut God off at the roots. We gain earthly salvation by inexorable progress, destroying the past in the mad dash to utopia, despite the fact that we cannot know what it will look like. The important thing is the process of progress itself, not the destination.

This new religion embraces the “primacy of the future over the past, as recognition that the future is entitled not to be limited by the past.” Life is, therefore, “a sequence of discontinuous instants.” For man, therefore, “perfect novelty is his oxygen.” Thus Augusto Del Noce.

## CONCLUSION: A BATTLE OF TWO PROGRESSIVISMS

Ironically, Enlightenment progressivism is the secularization of the entirely Christian notion of progress. Richard Tarnas observes:

But perhaps the most pervasive and specifically Judeo-Christian component tacitly retained in the modern world view was the belief in man's linear historical progress toward ultimate fulfillment.... Humanity's future fulfillment would be achieved in a world reconstituted by science. The original Judeo-Christian eschatological expectation had here been transformed into a secular faith.

Secular progressivism is de-Christianized progress.

For the Bible, progress is incremental conformity not simply of individuals but also families and churches and cultures to the Word of God under the power of the Spirit of God. The Bible certainly does not posit a static view of history, nor a cyclical view, nor a declining view, but rather an ascending view: God is working out his good purposes and moving toward holy victory. For this reason, the frequent conservative and Christian attempt to escape from history to a timeless, unchangeable eternity is a fool's errand. Some Christians seem to believe that a return to something like Plato's distinctive of the eternal, unchanging Forms is a cure to modernist progressivist change, but this is an illusion. The conflict in the Bible is never one of time versus eternity but of the Lord of both eternity and time versus a rebellious Satan and autonomous humanity.

## TRADITIONALISM

For this reason, John Frame has exposed the error of traditionalism. If the error of progressivism is that later is better, the fallacy of traditionalism is older is better. Both are wrong. *Biblical is better*. Frame is addressing the problem of traditionalism in theology and the church, but the application is wider.

The proper Christian response to modern progressivism is not traditionalism, attempting to reproduce a particular historical era, which always had his own problems, but to work in all areas of life toward greater conformity to God's Word.

This entails embracing comparatively modern ideas in line with God's Word (free market economics) and abandoning modern ideas at variance with God's Word (secular progressivism), as well as preserving older ideas with biblical support (the family hierarchy) and jettisoning older ideas without biblical support (divine right of kings). Ours is a battle of two progressivisms: Christian, biblical progressivism versus anti-Christian secular progressivism. Ours is a Spirit-drenched progress toward historical victory.

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## EXISTENTIALIST “LOGIC,” CRITICAL THEORY, AND THE LAW

BY ANTHONY COSTELLO

In *Existentialism and The Modern Predicament*, German philosopher F.H. Heinemann makes a lucid observation about the subjective approach to logic taken by many existentialist philosophers of his day:

For we are faced, in all countries which either are, or have been, under the sway of dictators, with generations of young people who have lost the faculty of thinking for themselves and for whom a serious study of logic, devoted solely to the *objective data of this science*, is an indispensable medicine. I [Heinemann] have never understood why it is the ambition of nearly every German professor of philosophy to produce his own personal logic, instead of devoting his forces to the much more useful task of contributing to the development of the *science of logic*, as a matter of course for any scientist within his field.<sup>1</sup>

In the immediate context of the book, Heinemann is referring to Swiss existentialist philosopher Karl Jasper's book *Von der Wahrheit* (On Truth), which attempts to do just what Heinemann warns about, namely, produce a personalized logic. Heinemann mentions earlier in the chapter that Jasper's logic fails to incorporate anything of the work of the major figures of late 19<sup>th</sup>- and early 20<sup>th</sup>-century analytic logic, to include “Boole, Brentano, Frege, Husserl, Keyenes, Lewis, Langford, Lukasiewicz, Morgan, Natorp, Poincaré, Peirce, Royce, Bertrand Russell..., Scholz, Schröder, Tarski and Whitehead.”<sup>2</sup> In short, Jaspers simply neglects everyone who had contributed to the modern, *forensic* project of logic, instead opting for an “original attempt.” There are several things to note about Heinemann's statement, all of which are

salient to understanding the social, political, and legal milieu in which the Church in the West now resides.

First, Heinemann points out the existentialist desire to create a logic unto itself or, better said, for oneself. This existentialist logic is aimed at making sense of the logician's own experiences, in contrast to contributing to the communal, and by nature more objective, project of further developing common “rules of right reasoning.” Jasper's logic is not primarily concerned with finding general and stable rules by which we can come to sound conclusions regarding important matters. This existentialized logic is tailored to the individual, to his or her own set of perceptual and psychological experiences. As such, it has less to do with correspondence to a reality outside the first-person experiences had by the subject and far more to do with making sense of, making coherent, that set of experiences. Its goal is not grasping the world as it is, but organizing and imbuing with meaning the individual's experience of the world, i.e., making ones “life world”<sup>3</sup> livable. In doing this, the personalized logic can be seen as a natural outworking of the Kantian dichotomy between the *noumena* and the *phenomena* now applied to the realm of logic. Unlike analytic logicians like Russell, who still strived to understand the noumenal, even if from a purely materialistic vantage point, existentialist logics reject the search for the essence of things and traffic strictly in the phenomenal.

Second, this subjectivizing of logic is horribly impractical. It is a fool's errand that not only traps oneself in one's own inner order, but also fails to provide any real benefit for the common good. As Heinemann goes on to say, this attempt to develop one's own logic is akin to trying to construct one's own personal language: “In fact, human life is too short for this pastime, just as it would be impossible for every individual to construct his own language.”<sup>4</sup> Developing one's own logic becomes like

<sup>1</sup> F.H. Heinemann, *Existentialism and the Modern Predicament* (New York: Harper Torchbooks, 1958), 78 (italics mine).

<sup>2</sup> Heinemann, *Existentialism*, 77.

<sup>3</sup> The “life world” or *Lebenswelt* is a term first coined by Edmund Husserl but expanded by later critical theorists like Jürgen Habermas as a way to express the “given” of one's perceptual experiences and the world of linguistic concepts and socially constructed symbols in which one finds oneself.

<sup>4</sup> Heinemann, *Existentialism*, 78.

developing one's own personal language for the existentialist. This is perhaps not unlike some religious people who claim an esoteric "God language," a subjective line of communication that affords them direct access to the Divine. But here, the existentialist logic is not just a series of impressions but a real linguistic system replete with vocabularies, syntaxes, and grammars, or as Heinemann explains, a "*mixtum compositum* of metaphysics, epistemology, psychology and ethics."<sup>5</sup> Moreover, while "interesting"<sup>6</sup> and "rich in detail,"<sup>7</sup> it is still "not logic."<sup>8</sup> It is an isolated system. Of course, the problem with a language of one is not only that it adds nothing valuable to the commonwealth, but instead enhances social confusion by segregating people for lack of being able to communicate through commonly accepted speech acts, shared definitions, or the aforementioned "rules of right reasoning."

Third, Heinemann believes this existential, subjective, and personalized logic can become a tool in the hands of dictators. Because this logic is born out of the need to make sense of personal experiences, as opposed to understanding the world in which those experiences take place, it is a generative act of the will more than the passive act of the intellect. The goal is not to behold truth, and subsequently align oneself with it, but to create an existential story in which I can fit my life. This is, in itself, not entirely bad and, to some degree, must be done to remain emotionally healthy. Psychologists who use "narrative therapeutic" methods understand the need to make sense of the individual human story with all its triumphs and tragedies. If, however, as Christianity teaches, the will is also bent toward evil, i.e., toward sin, then the logic one

inevitably creates to make sense of one's existence will inevitably be tainted with the same evil. As such, personalized logics become expressions of an individual, tainted will; and, needless to say, the astute reader might already be thinking of Nietzsche at this point. Thus, as Heinemann alludes, existentialist logics can become useful mechanisms for willful power to express itself in society (a dynamic any marriage counselor is well aware of at this smallest level of social interaction). Moreover, if one finds oneself in a culture where the faculty of "thinking for oneself" is lost to a younger generation, then the likelihood of a successful use of such existentialist logics as a means to power greatly increases.

In sum, although he commends Jasper's effort to desire "the impossible,"<sup>9</sup> i.e., to ground logic in a philosophy of existence, Heinemann nevertheless rightly alerts us to never forget that when it comes to seeing logic as the science of right reasoning, "It is our duty to be uncompromising on this point and to avoid concessions which are out of place."<sup>10</sup>

*This subjectivizing of logic is horribly impractical. It is a fool's errand that not only traps oneself in one's own inner order, but also fails to provide any real benefit for the common good. As Heinemann goes on to say, this attempt to develop one's own logic is akin to trying to construct one's own personal language.*

## EXISTENTIAL LOGICS AND CRITICAL RACE THEORY

More than 60 years after Heinemann's survey of existentialism<sup>11</sup> we are confronted with another kind of existentialism, one that has also produced its own logic—a logic tailored to the experiences not of the individual but of social groups. One example of this new existentialism is Critical Race Theory, which is derived from Critical Theory more broadly. Critical Theory, which usually is associated with the Frankfurt School philosophers like Max Horkheimer, Theodore Adorno, and Herbert

<sup>5</sup> Heinemann, *Existentialism*, 77.

<sup>6</sup> Heinemann, *Existentialism*, 77.

<sup>7</sup> Heinemann, *Existentialism*, 77.

<sup>8</sup> Heinemann, *Existentialism*, 77.

<sup>9</sup> Heinemann, *Existentialism*, 78.

<sup>10</sup> Heinemann, *Existentialism*, 77.

<sup>11</sup> Heinemann claims in the first chapter to his book that he coined the term "Existenzphilosophie" in the German language in an earlier book, *Neue Wege der Philosophie*, in 1929. He also seems to have known personally many of the philosophers of the existentialist movement, such as Karl Jaspers, Edmund Husserl, Jean-Paul Sartre, and Gabriel Marcel. Having taught at Frankfurt, the Sorbonne, and Oxford, there seems to be no reason to doubt the accuracy of Heinemann's claims.

Marcuse, and sociologists like Erich Fromm, differs from classical philosophy in many ways, but most fundamentally in its assumption that the shaping of culture and society is the means, *the only means*, to liberating the individual from his or her existential condition. Critical Theory is social theory, because, so it claims, it is only societies that produce ideologies and only social ideologies that can “explain and transform *all* the circumstances that enslave human beings.”<sup>12</sup> Religious beliefs, e.g., Judaism or Christianity, or abstract philosophies, e.g., Platonism, are relegated to the dustbin of history as atavistic metaphysical systems on most critical theoretical views. James Bohman clarifies this historicist view of reality describing Horkheimer’s thoughts on Marx: “Echoing Marx in *The German Ideology*, Horkheimer insists that for a critical theory the world and subjectivity in all its forms have developed with the life processes of society.”<sup>13</sup> According to the fathers of Critical Theory like Horkheimer, the world “in all its forms” develops alongside social processes. Reality *just is* what societies say it is, and as society changes so does the world.

Logic, being one aspect or “form” of the world, is, therefore, downstream from the natural processes that shape social conditions. If there are different subsets of a society under different conditions, say disparate ethnic or racial groups, then too there can certainly be different logics, and even different sciences, among these subsets. Moreover, Critical Race Theory, like Critical Theory broadly, is fundamentally involved in the project of social transformation as the means to existential liberation. In this particular case, liberating people from the universal oppression of “whiteness” or white ideology.<sup>14</sup> This theme of liberation from an oppressive force is also a core tenet of 20<sup>th</sup>-century existentialism, one most explicitly articulated by Jean-Paul Sartre who exercised concrete resistance to a concrete oppressor in Nazi-occupied France. For Sartre, “it is a paradox of the human condition that in a state of utter compulsion and danger . . . human beings *experience* their freedom in their power of resisting oppression.”<sup>15</sup> Heinemann points out, however, that Sartre’s experience of a genuine state of oppression, Nazi-occupied France, is wrongly

universalized by the Frenchman, in that he takes the abnormal historical case of WWII and the Holocaust and superimposes it on life more generally. As such, to be liberated, man must always have (or find) some oppressive force from which he can declare his autonomy. With God already out of the picture for the atheist materialist like Sartre, or perhaps today’s critical race theorist, that oppressive force must be found in what philosopher Charles Taylor might call “the immanent frame;”<sup>16</sup> in the here and now.

Again, as a critical theory, not only does Critical Race Theory create a logic tailored to a particular social group’s experiences, but further asserts the kind of liberation that Sartre was speaking of can *only* occur through societal transformation. As mentioned above, appeals to the transcendent, let alone traditional theories or particular religious dogmas, are notably absent from Critical Race Theory. In fact, on some earlier and very influential critical theory views, religion itself, like Capitalism, is understood as the main oppressive social force from which people must be liberated. In the West, Christianity is often that oppressive system.<sup>17</sup> In short, Critical Race Theory seems to be in the business of creating logics, i.e., carefully crafted social narratives, aimed at altering the psychological experiences of social groups in order to reengineer their social practices. These new social practices will, or so it is promised, facilitate a kind of freedom from peoples’ deep-seated sense of existential alienation; an alienation that the religious Jew or Christian would understand primarily as the result of a fractured metaphysical relationship between the individual, or community, and its Creator.

This mode of theorizing is not new, and Heinemann, in discussing the work of Martin Heidegger, again shows how this mode of social philosophizing lies in the realm of the will, or *Denkwillen*, a “will to intellectual power.”<sup>18</sup> He describes some key features of this kind of theorizing: “This extraordinary will-power is coupled with the ability to discover unexpected associations and to coin new words which are essentially ambiguous and which therefore withstand critical attacks;” this is done “through the medium of a very personal and arbitrary kind of

<sup>12</sup> Bohman, James, “Critical Theory,” *The Stanford Encyclopedia of Philosophy* (Spring 2021 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2021/entries/critical-theory/> (emphasis in the original).

<sup>13</sup> Ibid.

<sup>14</sup> On some CRT views, like that of Robin DiAngelo, this liberation is just as much for people who are “perceived as white” as for people of color.

<sup>15</sup> Heinemann, *Existentialism*, 113.

<sup>16</sup> See Charles Taylor, *A Secular Age*, pp. 542-557.

<sup>17</sup> This is especially salient in the critical theory of Herbert Marcuse, whose magnum opus *Eros and Civilization* shows explicitly how mankind must be liberated from the oppression of Christian morality, especially in the domain of sexual ethics.

<sup>18</sup> Heinemann, *Existentialism*, 86.

thinking.”<sup>19</sup> It is this mode of philosophizing that allows contemporary race theorists like Robin DiAngelo to assert things like “I came to see that the way we are taught to define racism makes it virtually impossible for white people to understand it.”<sup>20</sup> This, of course, from a white person who somehow has escaped the impossible, i.e., discovered unexpected associations, and who has coined a powerful new vocabulary to explain these associations.<sup>21</sup>

## OF LOGIC(S) AND THE LAW

If logic itself is proffered as a private endeavor, one relative to the individual or social group, and if logic operates as a language, a means to communicate, is it not inevitable there will be a breakdown in the ability to communicate between groups or individuals with different logics? I would suggest this is precisely what is unfolding before us, for as many now attest in both the nation and its churches, more and more people feel as if they are living in alternate universes; universes utterly distinct from their political and religious interlocutors. One senses that a total communication breakdown is imminent.

Perhaps, however, this is the case because the existentialist is right? Perhaps we really are locked into our own internal spaces, unable to get out of ourselves and our first-person singular, or plural, experiences? Perhaps I really am nothing more than a product of my community’s identity and its actions, both current and past? Maybe we are just *socially constructed*? Or, perhaps existentialism is just a faulty philosophical impulse—one that has gained popularity in the culture—the inevitable rise of the proverbial “bad idea” given the reality of a sin-fallen world? If Christianity is true, then it would seem the latter is correct. Existential ideologies like Critical Race Theory that interpret the world and its manifold “life forms” through the lens of social constructs like race<sup>22</sup> have simply gained ascendancy in the culture, and that because in unrighteousness man suppresses the truth.<sup>23</sup> We are not really lost in our own world of personal or group experience, and we might

know that if we were to only open our eyes to see and our ears to hear.

When it comes to the law, however, the stakes become quite high if we see ourselves as operating in alternate communicative realms or from distinct logical orders. After all, what kinds of laws could rectify conflicts between social groups operating under different logics? For if group “x” has been operating under logic “a,” but group “y” under logic “b” and there is conflict between “x” and “y,” then how could any judge possibly adjudicate between the two? In this case it really would matter to which group the judge herself belongs.

This turn toward the acceptance of contrary logics based on group identity came to light in a speech given at Berkeley by then appeals court judge (now Supreme Court Justice) Sonia Sotomayor. In that speech,<sup>24</sup> Justice Sotomayor makes two points: first, that her “Latina” identity is not something objective, but, as Critical Race Theory claims, is subjective, a choice to be Latina:

Many of us struggle with this tension and attempt to maintain and promote our cultural and ethnic identities in a society that is often ambivalent about how to deal with its differences. In this time of great debate, we must remember that it is not political struggles that create a Latino or Latina identity. I became a Latina by the way I love and the way I live my life. My family showed me by their example how wonderful and vibrant life is and how wonderful and magical it is to have a Latina soul.

For Sotomayor, the racial identity is chosen, or assumed, through one’s social practices. This is in part true, for what would it mean to be an Italian if one did nothing reminiscent of Italian culture? Later in the speech, however, Sotomayor seems to conclude that in choosing her racial identity, she is also choosing more, namely, she is choosing a logic relative to that identity,

<sup>19</sup> Heinemann, *Existentialism*, 86.

<sup>20</sup> Robin DiAngelo, *White Fragility* (Boston, MA: Beacon Press, 2018), 4.

<sup>21</sup> DiAngelo, who acts as a kind of guru of Critical Race Theory, has coined terms like “white fragility” to explain the emotional reaction people who are “perceived as white” (24) have when told they are racist. Of course, her and other CRT advocates have redefined “racism” and “white supremacy” in ways that make them non-moral, non-person relevant dispositions, but rather objective social structures built by people historically viewed as “white” (Europeans), yet who may or may not have had immoral attitudes about race itself.

<sup>22</sup> That race is a social construct and not a biological category is part and parcel of most current Critical Race Theory views. See DiAngelo, *White Fragility*, 15.

<sup>23</sup> cf. Romans 1:18-32.

<sup>24</sup> For the full transcript, see <https://www.law.berkeley.edu/article/supreme-court-nominee-sonia-sotomayors-speech-at-berkeley-law-in-2001/>.

Whether born from experience or inherent physiological or cultural differences ... our gender and national origins may and will make a difference in our judging. Justice [Sandra Day] O'Connor has often been cited as saying that a wise old man and wise old woman will reach the same conclusion in deciding cases. I am not so sure Justice O'Connor is the author of that line since Professor Resnik attributes that line to Supreme Court Justice Coyle. I am also not so sure that I agree with the statement. First, as Professor Martha Minnow has noted, there can never be a universal definition of wise. Second, I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

The careful reader of Judge Sotomayor's statement should notice its arbitrary nature, stating on the one hand that "there can never be a universal definition of wise," while on the other identifying herself as a "wise Latina woman" whose experiences "more often than not reach a better conclusion than a white male," etc. Clearly the operative word here is not the word "wise," but the words "Latina" and "white." The difference maker in legal evaluation and adjudication is not some transcendent, i.e., discovered "Wisdom" in the vein of Plato or Proverbs, but rather the chosen racial identities, which themselves are contingent upon social practices and the individual will.

How can Sotomayor claim that her wisdom then is in any way superior to that of white male justices like Oliver Wendell Holmes, or black male justices like Clarence Thomas, or of the white O'Connor? She cannot justify this claim if her choice of logics is grounded in her choice of social identity, for the only thing determining her use of the normative term "better" is the mere act of the will in choosing her preferred group. The preferred group here matters too because, as Sotomayor alludes,

there will always be individual outliers, like Clarence Thomas, whose views do not fit the "whole of African-American thought on many subjects." Rather it is the group identity that will determine the evolution of law: "As recognized by legal scholars, whatever the reason, not one woman or person of color in any one position but as a group we will have an effect on the development of the law and on judging."<sup>25</sup> Once again we see the shift in first-person existential thinking like that of a Sartre, to the communal "we" of today's social theorist.

If Justice Sotomayor's view of law really does approximate to something like, "I choose to be a part of a racial class, a racial class that has its own logic," and if there is no

universal logic, no objective reasoning or "rules of right reasoning," then whichever class is in control in society, it is their logic, their personal language of reality that will ultimately decide what is just and what is not. Of course, this also means that the hegemonic racial power, be it white today or black tomorrow or green 50 years from now, will also carry out the punishment for the actions it defines as unjust. Concrete historical atrocities committed in the name of an objective, and false, claim of white

*Concrete historical atrocities committed in the name of an objective, and false, claim of white supremacy are well known. Should we assume that the same will not occur under some other racial group that comes to hegemonic power?*

supremacy are well known. Should we assume that the same will not occur under some other racial group that comes to hegemonic power? Robin DiAngelo insinuates that we should assume the same when she states, "People of color may also hold prejudices and discriminate against white people, but they lack the social and institutional power that transforms their prejudice and discrimination into racism; the impact of their prejudice on whites is temporary and contextual."<sup>26</sup> Indeed we should not expect different, unless of course there just is something universal to all human beings, something pre-social and pre-political to which we can appeal, regardless of our racial group or gender. Something that Justice O'Connor (assuming she said what has been ascribed to her) believed was within our grasp.<sup>27</sup>

<sup>25</sup> Ibid.

<sup>26</sup> DiAngelo, *White Fragility*, 22.

<sup>27</sup> To Justice Sotomayor's defense, in the 2001 speech, she does go back and forth on these issues. Clearly, she is debating the value of claims to universal wisdom and the rules of right reasoning versus wisdom grounded in social identity; however, the reader/listener comes away with the sense that she leans toward the social identity view of knowledge and judgment.

## CONCLUSION

Heinemann's 1958 conclusion about the logic of existentialism is telling: "Existentialism fails because it proves unable to provide a basis for either logic or ethics." Also, his warning about generations of uncritical young people falling prey to the "sway of dictators" should alert us to the significant shifts that have taken place in our culture, shifts away from the pursuit of knowledge as epistemic discovery and toward the willful creation of knowledge as means to power and social engineering.<sup>28</sup> Critical Theory and Critical Race Theory operate in this mode of existentialist thought, working toward a reengineering of society through the creation of new logics and that for the sake of liberation from our woeful human condition. If we fail to take the "indispensable medicine" of seeing logic as an objective science, we will

reap the societal ramifications of the working out of a sin-stained will, both in the courtroom and the Church. Whether this can be done without an appeal to the transcendent, however, is highly questionable.<sup>29</sup>

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<sup>28</sup> In his excellent documentary, "What Killed Michael Brown?," Shelby Steele gives a concrete example of this kind of phenomena, the creation of a narrative, a "poetic truth" that can be used to motivate social activism, i.e., the will of the people, at the expense of factual truth. Factual truth, correspondence to reality, is willfully rejected in favor of a personalized logic that tries to make sense of people's, here black Americans, experiences. Unfortunately, in discarding actual truth in favor of poetic truth, no real road to liberation is made available to the black community.

<sup>29</sup> This should remind us of how the Nazi judges at Nürnberg were tried and found guilty, i.e., based on Natural Law and not social convention.

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