



JOURNAL of CHRISTIAN LEGAL THOUGHT

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Christian Legal Society (CLS), founded in 1961, seeks to glorify God by inspiring, encouraging, and equipping Christian attorneys and law students—both individually and in community—to proclaim, love, and serve Jesus Christ through the study and practice of law, through the provision of legal assistance to the poor and needy, and through the defense of the inalienable rights to life and religious freedom.

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The inside design symbolizes the spirit of a builder in its dislocated features resembling the architecture of layered bricks and the four pillars representing the four ministries of CLS. The branches represent harvest and the ongoing mission of the Church to toil the land, water the seeds, and pray to God to send the increase. The circle represents completion—embodied in the incarnation and second coming of Christ as the proverbial Alpha and Omega.

“For we are co-workers in God’s service; you are God’s field, God’s building.” (1 Corinthians 3:9)

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 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 time.

While the *Journal* will maintain a relatively consistent point of contact with the concerns of practitioners and academics alike, it will also seek to engage outside its respective milieu by soliciting work that advances the conversation between law, religion, and public policy. 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.

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 calling. 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 Christian Legal Society or any of the other sponsoring institutions or individuals.

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GOD ON TRIAL: APPLYING MODERN LEGAL STANDARDS TO ASSESS ARGUMENTS FOR AND AGAINST THE EXISTENCE OF GOD

by Michael Conklin*

I. Introduction

Legendary trial lawyer John Henry Wigmore once stated that cross examination is “the greatest legal engine for the discovery of truth ever invented.”¹ This Article applies cross examination, the rules of evidence, and the rules of civil procedure to the question of whether God exists. The results lead emphatically to a singular conclusion and therefore also have profound implications regarding issues of our origin, the existence of objective morality, and the ultimate meaning of life. It is the goal of the author that, by providing a novel framework through which to assess these questions, the reader will become equipped to honestly evaluate the relative strengths and weaknesses of each side, thus coming to an ultimate conclusion based on the evidence. Furthermore, the process elevates the adversarial U.S. legal system as a best practice for critical evaluation of adjudicating non-legal, metaphysical truths. This discussion comes at a critical time given the current confluence of events including increased societal polarization,² the abandonment of postmodernism,³ bias in academia toward religiously affiliated

law schools,⁴ and renewed interest in apologetic thought.⁵

This Article is divided into eight parts. Part II establishes the often-misunderstood issue of applying an intellectually honest burden of proof to the debate. Part III discusses the evidential question of what would be permitted as relevant under the Federal Rules of Evidence. Part IV provides sample opening statements along with an explanation for the strategic decisions involved. Part V presents the arguments for the existence of God along with the most common counterarguments. Part VI presents the arguments against the existence of God and the most common counterarguments. Part VII provides closing statements along with an explanation for the language used. Finally, Part VIII concludes by discussing the likely outcome at trial and the relevance of the topic.

II. Proper Burden of Proof

The applicable burden of proof is of paramount importance in the practice of law. How the burden of proof is communicated to the jury is a contentious issue when drafting jury instruc-

* Assistant professor of business law, Texas A&M University Central Texas; lecturer, Texas A&M University School of Law. This Article is written in my individual capacity and does not in any way represent any views of my employer.

1 PAUL B. BERGMAN, TRIAL ADVOCACY IN A NUTSHELL 81 (6th ed. 2017).

2 See Michael Conklin, *Increasing Ideological Discrimination in Law School Rankings: Measuring the Conservative Penalty and Liberal Bonus with Updated 2024 Rankings Data*, 16 TENN. J.L. & POL’Y 77, 93-94 (2024).

3 See Alan Kirby, *The Death of Postmodernism and Beyond*, PHILOSOPHY NOW (2006), https://philosophynow.org/issues/58/The_Death_of_Postmodernism_And_Beyond.

4 Michael Conklin, *Religious Law Schools, Rankings, and Bias: Measuring the Rankings Penalty at Religious Law Schools*, 36 FLA. J. L. & PUB. POL’Y (forthcoming 2025).

5 See Troy Anderson, *A New Day for Apologetics*, CHRISTIANITY TODAY (July 2008), <https://www.christianitytoday.com/2008/07/new-day-for-apologetics/>.

tions.⁶ And there are strict rules regarding what attorneys are allowed to insinuate throughout the trial regarding the burden of proof.⁷

In the U.S. criminal justice system, the prosecutor is required to prove guilt “beyond a reasonable doubt.”⁸ Furthermore, this standard must be held unanimously by all jurors to convict the defendant.⁹ This imposes a high burden on prosecutors. Many atheists attempt to likewise apply a disproportionate burden of proof on the theist, therefore allowing the atheist to simply sit back and say “not good enough” to all the evidence presented for God’s existence.¹⁰ Atheist Richard Dawkins demonstrates this burden of proof trick by asserting “the burden of proof rests with the believers, not the non-believers.”¹¹ No further explanation for artificially rigging the burden of proof in their favor is ever provided. But when a criminal trial is compared to debating whether God exists, we see that the same burden of proof is not applicable.

The reason the burden of proof is so high for criminal cases is that society has established that we should err on the side of acquittal rather than conviction given the deprivations of liberty, and sometimes even life, that are at stake. This notion is embodied in Blackstone’s Ratio, which states that it is better to let ten guilty people go free than to imprison one innocent person.¹²

Consistent with this notion are a variety of other aspects of the criminal law system that favor the defendant. Examples include the exclusionary rule, required disclosure of exculpatory evidence to the defense, court-appointed attorneys at no cost to the defendant, the Fifth Amendment right not to testify, and unanimous jury verdict requirements. But these considerations that result in a disproportionate burden of proof in criminal trials are not present in the debate of God’s existence.

While an argument could be made that we should err on the side of believing in a God because of the implications inherent in the debate,¹³ this Article advocates for a neutral, even burden of proof, on both sides. To do so, this part will examine various attempts by atheists to artificially shift the burden of proof onto the theist and demonstrate that, when properly understood, these attempts function to undermine the atheist’s claims.

A. “Extraordinary Claims Require Extraordinary Evidence”

One method employed by atheists in an effort to impose an unjustifiably high burden of proof on the theist is to claim that “extraordinary claims require extraordinary evidence.”¹⁴ This is followed by the assertion that the existence of God

6 See Michael D. Cicchini, *The Battle Over the Burden of Proof: A Report from the Trenches*, 79 U. PITT. L. REV. 61 (2017).

7 See, e.g., *McCullough v. State*, 657 P.2d 1157, 1159 (Nev. 1983).

8 Michael Conklin, *Reasonable Doubt Ratcheting: How Jurors Adjust the Standard of Proof to Reach a Desired Result*, 95 N.D. L. REV. 281, 283 (2021).

9 *Ramos v. Louisiana*, 590 U.S. 83, 90 (2020).

10 This is somewhat similar to a directed verdict in a criminal trial where the defense is not required to present any evidence of innocence and not required to cross examine any of the prosecution’s witnesses. The defense can simply move for a directed verdict after the prosecution rests, and, if the prosecution has not met its high burden of proof, the defendant is acquitted. However, this is the result of the very high burden of beyond a reasonable doubt. When debating the existence of God, there is no such one-sided burden; therefore, the atheist does not win by merely claiming the theist has not done enough. At best, this would only result in an agnostic draw.

11 RICHARD DAWKINS, *THE GOD DELUSION* 76 (Mariner Books 2008).

12 WILLIAM BLACKSTONE, *COMMENTARIES ON THE LAWS OF ENGLAND: VOLUME 4* 352 (Univ. of Chi. Press 1979).

13 Pascal’s Wager has been used to argue for this position. It essentially states that even if God’s existence is no more probable than nonexistence, one should act as if God exists because the consequences of doing so and being wrong are far less than the consequences of wagering that God is not real and being wrong. *Pascal’s Wager*, STAN. ENCYCLOPEDIA OF PHILOSOPHY, <https://plato.stanford.edu/entries/pascal-wager/> (Sept. 11, 2022). Furthermore, some philosophers argue that, even in the absence of any evidence, belief in God is “properly basic.” See, e.g., Jamie B. Turner, “Properly Basic” Belief in God: Believing in God Without An Argument, 1000-WORD PHIL. (July 20, 2023), <https://1000wordphilosophy.com/2023/07/20/properly-basic-belief/>.

14 See, e.g., Matt Nelson, *Extraordinary Claims Require Extraordinary Evidence?*, CATHOLIC ANSWERS (Jan. 31, 2017), <https://www.catholic.com/magazine/online-edition/extraordinary-claims-require-extraordinary-evidence> (“If you have ever engaged in dialogue with a skeptic (or listened to others), you have likely heard this catchy saying in response to theistic claims.”).

is an extraordinary claim that requires extraordinary evidence; that all evidence for God's existence falls short of this standard; and, therefore, that the atheist wins by default. While the catchy mantra of "extraordinary claims require extraordinary evidence" may at first appear reasonable, after critical examination, it becomes clear that it functions to harm the atheist's case, not to support it.

Throughout history and still to this day, belief in God is the norm—the ordinary, default position.¹⁵ Therefore, it is atheism that is outside the norm—the extra-ordinary.¹⁶ The explanatory power of theism further supports this. As will be demonstrated in this Article, the evidence strongly points toward God as the more plausible explanation for the existence of the universe and the existence of objective morality. Therefore, we see that the extraordinary claim is made by the atheist who posits that the universe somehow popped into being uncaused out of nothing. To further illustrate, imagine a large, mechanical structure were found on Mars. Claiming that it somehow popped into being uncaused out of nothing is a far more extraordinary claim than positing that it was created by intelligent life. Therefore, this standard that extraordinary claims require extraordinary evidence would impose a disproportionately high burden on the atheist, not the theist.

Furthermore, even if theism was the more extraordinary claim, extraordinary claims require adequate evidence, not extraordinary evidence. To illustrate, imagine you were to see on the news that your neighbor won the lottery. This would certainly be "extraordinary" as it is highly improbable and therefore highly out of the ordinary. Nevertheless, it would be perfectly reasonable for you to believe that your neighbor won the lottery without demanding extraordinary evidence such as deposing lottery officials and performing forensic tests on the ticket. Sim-

ply viewing the ticket and checking the results online would be sufficient. While it is certainly possible that some error has occurred and your neighbor did not win the lottery, it is perfectly reasonable for you to believe that it is more likely than not that your neighbor won the lottery based only on this less-than-extraordinary evidence.

B. Proving a Negative

Another misguided attempt by the atheist to stack the debate in their favor is to claim that atheism is the default position and, therefore, it is the theist who bears the burden of proof. This is done in different ways, but one of the most common is to allege that, because one cannot prove a negative, the burden lies with the theist to prove God's existence, and an inability to perform this task to the atheist's satisfaction results in the atheist prevailing.¹⁷ But again, when properly understood, this claim functions to undermine atheism, not support it.

First, there are numerous ways to prove a negative. You can do this by demonstrating a self-contradictory nature such as in proving the nonexistence of square circles and married bachelors. This can also be done by evaluating the characteristics of a given set such as in concluding that there are no Supreme Court justices over seven feet tall. Also, a simple understanding of the likelihood that a given object would go unnoticed would suffice, such as in claiming that there are no full-grown elephants in this room right now or that there are no planets larger than Jupiter in our solar system. Finally, basic inductive reasoning can be used to prove a negative. For example, it is rational to believe that no human currently exists who can run the 100-meter dash in under 8 seconds given that the current record is 9.58 seconds, this is a slowly evolving record, there is an incredible incentive for the fastest person on Earth to go public with their

15 *Few Americans Blame God or Say Faith Has Been Shaken Amid Pandemic, Other Tragedies*, PEW RSCH. CTR. (Nov. 23, 2021), <https://www.pewresearch.org/religion/2021/11/23/few-americans-blame-god-or-say-faith-has-been-shaken-amid-pandemic-other-tragedies/> (explaining that over 90% of Americans believe in God).

16 *Id.*

17 See, e.g., Sophie Roell, *The Best Books on Atheism Recommended by Susan Jacoby*, FIVE BOOKS (Mar. 6, 2013), <https://fivebooks.com/best-books/susan-jacoby-on-atheism/> (quoting atheist author Susan Jacoby as saying, "Of course an atheist can't prove there isn't a God, because you cannot prove a negative.").

abilities, and the exponential nature of how wind resistance negatively affects sprinters.¹⁸

In court proceedings, parties routinely present evidence in an effort to prove a negative. A criminal defendant may present credit card statements, video surveillance footage, and eyewitness testimony to prove that he was not within 300 miles of where the murder occurred. A defendant could produce medical records to show that he was not capable of wielding the murder weapon. And in civil litigation, the defendant could present evidence that he lacked the required mens rea to be held liable.

Regardless of the fact that you can prove a negative, there is a valid point to be made when considering the nature of trying to prove a negative. This is because the atheist is at an organic disadvantage in trying to prove that God does not exist. To illustrate, imagine the claim that there exists no living snake on Earth over 20 feet long. A believer of the existence of a snake this long would only have to find a single occurrence of such a snake to definitively prove his position. And even in the absence of being able to produce the snake, he could nevertheless prove that its existence is more likely than not by providing eyewitness accounts, shed snake skins, and photographic evidence. The nonbeliever would not prevail merely by pointing out that no such snake is currently in captivity. And it would be very difficult for the nonbeliever to go out and find evidence of the non-existence of such a snake. But this reality—that it is much easier for the one side to find dispositive or inferential proof of such a snake than the other side to disprove it—is not the result of some unfair bias against those who deny the existence of long

snakes. Nor is the fact that it is difficult for the atheist to provide evidence against the existence of God reflective of an unfair bias against their position. It is merely the reality of trying to argue against the existence of God.

C. Definitional Argument

Some atheists attempt to circumvent the burden of proof issue altogether by defining their position in a peculiar manner. This generally involves claiming that atheism does not posit that God does not exist; rather, atheism is merely the lack of belief in God.¹⁹ This is then used as a tactic to claim that because atheists are therefore making no claims, that no evidence is required of them.²⁰ This is a highly peculiar framing of atheism by the very atheists who write books and engage in passionate debate promoting the idea that God does not exist. While there certainly exist people who have no opinion on whether God exists, these people are called agnostics.²¹ *The Stanford Encyclopedia of Philosophy* provides the standard definition of atheism as “the proposition that God does not exist” and further clarifies that “it does not suffice to suspend judgment on whether there is a God. . . . Instead, one must deny that God exists.”²² Therefore, atheists have the same burden of proof in proving that God does not exist that theists have in proving that God does exist.

D. Burden of Proof Conclusion

Examples of atheists attempting to apply an artificially high burden on the theist are not limited to the few examples previously mentioned. For example, in a public debate, atheist professor Kevin Scharp claimed that for the theist to prevail, he would have to show that it was at least

18 Setting aside the fact that it is possible to prove a negative, another problem faced by the atheist who attempts to use this falsehood to create an artificially high burden of proof on the theist is that it is arbitrary. The issue of whether God exists or not could equally be viewed as one where the theist is on the side of proving a negative and, if we falsely assume one cannot prove a negative, it would, therefore, be the atheist who shoulders the burden of proof. For example, the atheist believes in the existence of a universe that was not created by God, while the theist rejects the existence of such a thing. Applying the same logic employed by the atheist in this objection, the burden of proof would fall entirely on the atheist to prove the existence of a universe not created by God, and the theist would merely need to sit back and remain unconvinced.

19 See, e.g., *What is Atheism?*, AM. ATHEISTS, <https://www.atheists.org/activism/resources/about-atheism/> (last visited Aug. 2, 2025).

20 See, e.g., Tim Barnett, *Atheism Isn't Simply a Lack of Belief*, STAND TO REASON (Mar. 3, 2016), <https://www.str.org/w/atheism-isn-t-simply-a-lack-of-belief>.

21 See *Atheism and Agnosticism*, STAN. ENCYCLOPEDIA OF PHILOSOPHY, <https://plato.stanford.edu/entries/atheism-agnosticism/> (last visited July 15, 2024).

22 *Id.*

80% likely that God exists.²³ This truly astonishing attempt at rigging the burden of proof in favor of atheism means that if everyone walked out of the debate believing that the existence of God was three times more likely than not, this should be interpreted as a victory for atheism.²⁴

This Article will demonstrate that there is compelling evidence to conclude that God more likely exists than not. But even in the absence of any evidence in favor of theism, if there is no positive evidence in favor of atheism, this does not result in atheism winning by default; rather, this would just result in an agnostic draw. This is similar to the criminal law principle that absence of evidence is not necessarily evidence of absence. As even some atheists acknowledge, “To show that an argument is invalid or unsound is not to show that the conclusion of the argument is false. All the proofs of God’s existence may fail but it may still be the case that God exists. In short, to show that the proofs do not work is not enough by itself.”²⁵

As demonstrated in this section, attempts by atheists to impose a disproportionately high burden of proof on theists are emphatically not justified. When addressing the question of whether or not God exists, an intellectually honest approach requires a neutral burden of proof on both sides. It is perhaps illustrative of the relevant strength of the atheist position that this tactic is so commonplace.

III. Relevance

Numerous academic debates on the issue of God’s existence demonstrate the importance of defining what qualifies as relevant evidence.

Fortunately, the law provides a well-established standard. The Federal Rules of Evidence require that evidence must be “relevant” to be admissible.²⁶ The two-part test for relevance states that “[e]vidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.”²⁷ This determination involves “principles evolved by experience or science, applied logically to the situation at hand.”²⁸ It is important to note that this is a minimal standard. A piece of evidence meets the relevant standard if it merely “has a tendency to make a fact more or less probable.”²⁹ Therefore, if a piece of evidence demonstrated just a 51% probability of the existence or nonexistence of God, it would be relevant. The Federal Rules of Evidence further provide that relevant evidence may nevertheless be excluded from trial if the probative value is outweighed by the prejudicial effect.³⁰

IV. Opening Statements

This section will provide an abridged sample opening statement in favor of theism and the strategic rationale for the language used. While crafting an opening statement is an inherently subjective endeavor, there are some broad principles that are largely agreed upon. For example, you should attempt to preemptively defuse your opponent’s case.³¹ Because the theistic side cannot be certain which atheistic arguments will be employed, only general claims are provided in this opening statement. But through this, a broad, preemptive attack is made against the most common atheistic argu-

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- 23 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRAIG: *Debate: Is There Evidence for God?*, at 39:20 (Apple Podcasts, Sept. 13, 2024).
- 24 A three-to-one ratio would mean that God is 75% likely to exist and therefore fall short of Scharp’s 80% burden of proof.
- 25 KAI NIELSEN, REASON AND PRACTICE: A MODERN INTRODUCTION TO PHILOSOPHY 143-44 (1971).
- 26 FED. R. EVID. 402.
- 27 FED. R. EVID. 401.
- 28 Rule 401. *Test for Relevant Evidence*, LEGAL INFO. INST., https://www.law.cornell.edu/rules/fre/rule_401 (last visited Aug. 2, 2025) (Advisory Committee notes).
- 29 FED. R. EVID. 401.
- 30 FED. R. EVID. 403.
- 31 SHANE READ, TURNING POINTS AT TRIAL: GREAT LAWYERS SHARE SECRETS, STRATEGIES AND SKILLS 37 (2017).

ments—and attempted counterarguments—that are likely to be used. The atheist could intentionally not present any of the arguments that are preempted in this opening statement, thus calling into question the theist's credibility for falsely assuming what the atheist would posit. But this would likely be counterproductive as the atheist would then be left with even weaker arguments to present.

Additionally, this opening statement is used to get the jurors thinking about which of the two sides is more consistent with their everyday experience, as this is an important theme in the case for theism. By explaining that it is the theistic position that is consistent with this knowledge, and that the logic of atheism leads to absurd conclusions, the jury will hopefully form a critical mindset toward the atheist's claims. Then, when the atheists begin to present their evidence, the jury will already be thinking about the logical conclusions of such a worldview even before they are explicitly reminded when the atheist's position is cross-examined.

An opening statement provides an opportunity to get out in front of potential issues that may arise later at trial. As discussed in the previous Proper Burden of Proof section, atheists often attempt to impose a disproportionately high burden on the theist and a disproportionately low burden on themselves.³² The opening statement provided explicitly clarifies the burden of proof so as to avoid any misunderstandings upfront. Another potential problem is that of a juror confusing the number of arguments presented by each side with the cumulative strength of the evidence from each side. This opening statement addresses this. One final potential problem is intentionally left unaddressed in the opening statements. The problem is that the jurors may believe that, when considering only the evidence provided from both sides, theism clearly wins; however, the arguments presented for atheism were so

easily refuted that the atheists must not have presented the best arguments available. Therefore, the following language was considered for inclusion in the opening statements:

As you critically evaluate the arguments from the atheists, you may begin to wonder if there are other, stronger arguments out there. This is understandable, but I want to assure you that our opponents here in the courtroom are extremely knowledgeable on this subject and will present to you the best evidence available for atheism. Additionally, you may at some point feel as if the debate is somehow stacked against them. This is natural, given the relative strengths and weaknesses of each side.

It was determined that such language would do more harm than good. Jurors may view it as overly confident, an unfair attack on the other side, and condescending. This is also consistent with the principle that you should not oversell your case in opening statements.³³ Instead, language was included in the opening statements regarding how the advocates for atheism are very capable and are going to present the strongest arguments possible for their side. If, during the trial, there arises reason to believe that this potential problem exists, it can be addressed in the closing statement. Furthermore, jury instructions commonly remind jurors that they are not permitted to speculate regarding evidence not presented at trial.³⁴

One common principle of a good opening statement unfortunately was not compatible with this hypothetical case. This is the principle of telling a compelling narrative that causes the jurors to develop a visual image of the case.³⁵ Because a trial about whether God exists does not contain a sequence of events that lead to the issue as in most traditional criminal and civil

32 See *supra* notes 6-25 and accompanying text.

33 READ, *supra* note 31, at 9, 12. Mark Lanier, one of the greatest trial lawyers of the twenty-first century, says that the biggest mistake in opening statements is "stretching the truth, trying to make something that it's not. Jurors smell that, and you lose credibility." *Id.*

34 See, e.g., *1.1. Duty of Jury*, U.S. CTS. FOR THE 9TH CIR. (Dec. 2019), <https://www.ce9.uscourts.gov/jury-instructions/node/300> (explaining that jurors "must decide the case solely on the evidence and the law before you").

35 BERGMAN, *supra* note 1, at 15, 28.

trials, telling a narrative was decided not to be a viable option. One alternative to a narrative that still creates a powerful image in the minds of jurors is that of the scales of justice where pieces of evidence are placed as weights on either end.³⁶ The side that uses this analogy then explains that their side has far more weight (evidence) than the other side and, therefore, the scales of justice tip in their favor.³⁷ This would likely be an unwise tactic for the theistic side to employ because it was decided that going with only two, strong arguments in favor of theism was ideal. Therefore, the atheist side could very easily present more arguments in their favor. If this weight scale analogy were used, the jury might incorrectly conclude that the side that presented the most arguments should win, regardless of the explanatory power of each argument.

The following is an abridged, sample opening statement for this hypothetical trial:

Ladies and gentlemen of the jury, while being selected for a jury might not feel like a positive outcome, this is no ordinary trial. You are going to get to hear the world's leading experts discuss the most significant question man has ever pondered: Does God exist? For millennia, this question has shaped the very fabric of human history, philosophy, and morality.

We were very happy with the jury selection process and enjoyed getting to know each of you better. We made our selections based primarily on your ability to think critically about the evidence and make an honest assessment of both sides.

To streamline the process, we are only going to present two arguments in favor of the existence of God. These arguments are rather straightforward and make no appeals to holy books or religious gurus. Instead, they are

based on well-established scientific evidence and common-sense notions that you have been aware of since you were a child. Either one of these two arguments is enough to create a compelling case for the existence of God and to overcome the flawed arguments against God's existence. Combined, they create an irrefutable case.

As you will see, our arguments are grounded not in abstract speculation but in reason, scientific evidence, and the fundamental nature of both mankind and the universe. As we will show, it is the atheist position, not ours, that relies on blind faith and runs counter to well-established scientific knowledge. Atheism is inconsistent with the reality that we experience every day, and the logic of atheism, when followed to its natural conclusion, quickly leads to untenable, absurd, and devastating results.

One last thing before we begin. It is important to clarify the proper burden of proof for this case. Neither side has to prove their case to you with absolute certainty. For our side to earn a verdict in our favor, all you need to do is simply conclude that the existence of God is more likely than not. Fortunately, this is a very easy burden for our side to overcome. While we are confident that the weight of the evidence you will consider is overwhelmingly on the side of God's existence, you need only believe it 51% likely that God exists to return a verdict in our favor. Additionally, note that we are only discussing the existence of a God, not any specific God.

At the conclusion of the case, I will ask you to render a verdict that the existence of God is more likely than

36 *Id.* at 443.

37 *Id.*

His nonexistence.³⁸ We are confident that after listening to both sides, this will be an easy conclusion for each of you to reach.

Thank you.

V. Jury Selection

This Article operates under the assumption that the dispute will be adjudicated by a jury; however, it is worth considering if a bench trial would be preferable. The scientific and philosophical evidence that the universe began to exist can get complicated. One school of thought is that, with such complexities, a judge is preferable as they are likely more capable of understanding.³⁹ Here, however, it is the atheist who would be attempting to present complex evidence to rebut the overwhelming scientific consensus. In this way, the confusion created would likely be interpreted by a jury against the atheist. Additionally, jurors are likely to be affected by the emotional aspects of the case present in the moral argument, favoring the theist position. Relatedly, a judge who has “heard it all before” is less likely to be negatively shocked by atheist claims that objective morality is illusory.⁴⁰ Finally, a jury is likely preferable because, probabilistically, when the overwhelming evidence is on your side, you want to increase the size of the decision-makers to avoid the likelihood of an anomalous result.⁴¹ In this way, a jury of six to twelve people is preferable to a single judge.

When selecting jurors for such a trial, the side arguing for theism would want to select jurors who demonstrate an ability to consider complex evidence and apply the proper burden of proof. This is because the best strategy for the atheist side would likely be to confuse jurors into rendering a verdict for atheism merely because some chance remains as to its validity—as opposed to the correct, preponderance

of the evidence standard. Additionally, you would want to pre-qualify jurors by asking if they understand how one can reject a given argument and yet still agree with the conclusion based on other arguments. In other words, ensure that each seated juror understands that a refutation of one argument for the existence of God does not doom the affirmative case.

VI. Arguments for the Existence of God

This section begins by providing an explanation for the strategic decision to only present two arguments for theism. Then, the two arguments—the cosmological argument and the moral argument—are presented. Each argument is followed by documenting the most common objections against it. In doing so, it becomes clear that (1) these two arguments provide a strong, affirmative case for the existence of God; (2) the most common counterarguments are largely based on misunderstandings and do not reduce the argument’s validity; and, (3) in some instances, the counterarguments, when properly understood, function to either strengthen the initial argument further or to cast the atheist position in a negative light.

A. *Less is More Strategy*

Only two arguments for theism are presented. Although there are other strong arguments for theism, limiting the affirmative case to two was an intentional, strategic decision. This is consistent with the “less is more” strategy applicable to trial advocacy specifically, and effective rhetoric in general. Furthermore, there is less need for cumulative evidence in this atheism/theism dispute than in a traditional trial, which contains multiple elements that must be proven.

The cognitive bias known as the dilution effect helps explain why offering less evidence may be preferable to offering more. The dilution effect explains how people often improp-

38 *Id.* at 152.

39 *See, e.g., id.* at 117 (“Parties whose cases are based on scientific evidence or are otherwise factually complex should opt for judge trials.”).

40 *Id.* at 116-17.

41 To illustrate this principle, imagine one of the jurisdictions such as Texas where civil verdicts need only 10 out of 12 jurors to agree. If we assume no jurors will change their mind in deliberation, and that it is 90% probable that anyone hearing the evidence would agree with your side, that results in an 88.9% chance of winning, an 11.1% chance of a hung jury, and a 0.000000545% chance of losing. But with a judge under this condition, you would have a 10% chance of losing.

erly assess probabilities involving cumulative arguments.⁴² For example, if one argument produces a 60% probability of a given outcome and a separate, unrelated argument produces an 80% probability of a given outcome, then people often improperly average these two arguments and believe only a 70% probability has been demonstrated.⁴³ Thus, just providing the second argument would have been preferable, leading to the conclusion of an 80% probability. In other words, additional, weaker arguments may function to dilute the stronger arguments, thus weakening your case.⁴⁴ As one judge explains, “the number of claims raised . . . is usually in inverse proportion to their merit and that a large number of claims raises the presumption that all are invalid.”⁴⁵

In the context of this hypothetical trial on God’s existence, there is an additional benefit to using fewer arguments. With only two arguments, it is easier to make clear to the jury the other side’s inability to refute them. This is because the more arguments presented, the easier it would be for the other side to create confusion among the jurors regarding what has and has not been addressed. For example, if eight arguments for theism were presented, jurors might become confused as to which arguments have been refuted and which objections to which counterarguments were addressed. By staying with only two arguments, it is easier to pin the atheist down on their inability to

refute the arguments. Finally, focusing on just two arguments provides a more streamlined, less complex experience that jurors will likely appreciate.⁴⁶

B. Cosmological Argument

The first of two arguments in favor of theism is the cosmological argument. This argument, and all the modern scientific findings that support it, provides powerful evidence for the existence of God. A simple version of the argument begins by pointing out that everything that begins to exist has a cause for its existence [Premise 1 or P1], and that the universe began to exist [Premise 2 or P2].⁴⁷ Therefore, it logically follows that the universe has a cause of its existence [Conclusion or C].⁴⁸ And when one considers the potential candidates for the cause of the universe, very few options are available as the cause of the universe, which must exist outside of the universe. Therefore, because the universe contains all space and time, its cause must transcend space and time, thus being timeless, non-physical, and non-material.⁴⁹ There are only two options available for a timeless, non-physical, non-material entity: either an abstract object or an unembodied consciousness.⁵⁰ But abstract objects—such as numbers—are causally effete.⁵¹ The number 12, for example, cannot cause anything to come into existence.⁵² Therefore, the other option of a transcendent, unembodied consciousness is the only feasible explanation left for the cause of the universe.⁵³

42 See, e.g., *Dilution Effect: Focus on Quality, Not Quantity*, ASSURANCE RESPONSABILITE PROFESSIONNELLE BARREAU (Dec. 2, 2021), <https://www.assurance-barreau.com/en/articles-maitres-droits/articles/dilution-effect-focus-on-quality-not-quantity/>.

43 Jules M. Epstein, *The “Dilution” Effect and Sharper Advocacy – Another “Less is More” Tool for Persuasion*, ADVOCACY & EVL. RES. (Oct. 31, 2024), <https://law.temple.edu/aer/2024/10/31/the-dilution-effect-and-sharper-advocacy-another-less-is-more-tool-for-persuasion/>.

44 *Id.*

45 *Commonwealth v. Ellis*, 534 Pa. 176, 183 (1993) (in the context of the appellate process).

46 Virginia Vile Tehrani, *Target Practice: Trial Advocacy with a Focused Approach*, ANDERSON QUINN (Aug. 17, 2018), <https://www.andersonquinn.com/target-practice-trial-advocacy-with-a-focused-approach/> (explaining how judges and juries view the client as an extension of his or her attorney, and therefore an attorney who unnecessarily complicates matters risks receiving adverse treatment).

47 WILLIAM LANE CRAIG, *REASONABLE FAITH: CHRISTIAN TRUTH AND APOLOGETICS* 96-97 (3d 2008).

48 *Id.*

49 *Id.* at 108.

50 *Id.*

51 *Id.*

52 *Id.*

53 WILLIAM LANE CRAIG, *REASONABLE FAITH: CHRISTIAN TRUTH AND APOLOGETICS* 108 (3d 2008).

1. Counterarguments

This section will evaluate the numerous arguments put forth by atheists in an attempt to avoid the conclusion of the cosmological argument. Unfortunately, one common objection to this argument is purely based on a false recital of the first premise (i.e., P1). For example, famous atheist Bertrand Russell attempts to object to the cosmological argument by stating, "If everything must have a cause, then God must have a cause."⁵⁴ And atheist Daniel Dennett redefines the first premise from "everything which begins to exist has a cause for its existence" to "everything must have a cause."⁵⁵ Dennett then attacks this straw man by asking, "What caused God?"⁵⁶ But even Dennett himself acknowledges that a being "outside of time . . . is nothing with an initiation or origin in need of explanation. What does need its origin explained is the concrete Universe itself."⁵⁷ The misguided objection posed by atheists regarding who created God is further discussed in the Arguments Against the Existence of God section.

One objection to the cosmological argument that would successfully refute it if true is to show that the universe is not finite, but rather has existed eternally. And, therefore, the universe never began to exist, and would not require a cause of its existence. For this objection to be effective, the atheist must show that it is more likely than not that our universe has existed for eternity past rather than coming into being at some finite time in the past. Merely showing that there is some non-zero probability that the universe is eternal would not be effective at refuting the argument. This is similar to how, in a

civil trial, the plaintiff is not required to prove the elements of the tort with absolute certainty, just that it is more likely than not.

Unfortunately for the atheist, positing that the universe is more likely to be eternal than finite is not a feasible objection to the cosmological argument. This is because the overwhelming scientific and philosophical evidence strongly rejects this as a viable option. For example, Einstein's general theory of relativity is only consistent with a finite universe.⁵⁸ Stephen Hawking acknowledged that almost every cosmologist "believes that the universe and time itself had a beginning at the big bang."⁵⁹ As Alexander Vilenkin, a prominent cosmologist and agnostic explains, "All the evidence we have says that the universe had a beginning."⁶⁰

The well-established second law of thermodynamics provides further evidence that our universe is not eternal. As far back as the 1800s, scientists realized the daunting eschatological conclusion that the universe will inevitably suffer a "heat death," whereby all of the available energy is spread out evenly, turning the universe into a featureless soup with no possibility of life and no possibility for any future change.⁶¹ The obvious implication is that, if our universe will inevitably suffer a heat death, but hasn't yet, then it has not existed for eternity past.⁶² As noted physicist Paul Davies explains, "The universe can't have existed forever. We know [based on the second law of thermodynamics] there must have been an absolute beginning a finite time ago."⁶³

Some cosmologists initially fought against the notion of a finite universe, but the amount of scientific evidence in favor of this was so

54 Bertrand Russell, *Why I Am Not A Christian*, DREW UNIV., <https://users.drew.edu/~jlenz/whynot.html> (last visited Aug. 2, 2025) (delivered on Mar. 6, 1927, at the Battersea Town Hall).

55 DANIEL DENNETT, *BREAKING THE SPELL: RELIGION AS A NATURAL PHENOMENON* 242 (Penguin Books 2007) (2006).

56 *Id.*

57 *Id.* at 244.

58 CRAIG, *REASONABLE FAITH*, *supra* note 47, at 125.

59 STEPHEN HAWKING & ROGER PENROSE, *THE NATURE OF SPACE AND TIME* (Princeton Univ. Press 1996).

60 Lisa Grossman, *Why Physicists Can't Avoid a Creation Event*, 2847 *NEW SCIENTIST* 1, 6-7 (Jan. 11, 2012).

61 CRAIG, *REASONABLE FAITH*, *supra* note 47, at 141.

62 *Id.*

63 *Id.* at 144.

overwhelming that it has become the standard for the last 100 years.⁶⁴ Relative to the topic of this Article, some cosmologists in the 1900s fought against the scientific evidence because of the obvious implication that a universe that had a beginning begs the question of what caused it.⁶⁵ In attempts to avoid the conclusion that a God is necessary to create any universe that had a beginning, various failed theories have been proposed as alternatives to the standard model. These include the steady state model, oscillating models, vacuum fluctuation models, the chaotic inflationary model, quantum gravity models, and string scenarios.⁶⁶ Prominent theoretical physicist Alexander Vilenkin, himself an agnostic, explains the current level of certainty regarding the beginning of the universe as follows:

It is said that an argument is what convinces reasonable men. And a proof is what it takes to convince even an unreasonable man. With the proof now in place, cosmologists can no longer hide behind the possibility of a past eternal universe. There is no escape; they have to face the problem of a cosmic beginning.⁶⁷

Even absent the overwhelming scientific evidence in favor of a finite universe, the phil-

osophical evidence alone is enough to close the door on this objection. An eternally existent universe would contain an infinite number of past events. But while a potentially infinite number of events can exist (where the number of events is always increasing toward infinity), an actual infinite number of past events cannot exist.⁶⁸ As the famous German mathematician David Hilbert explains, “The infinite is nowhere to be found in reality. It neither exists in nature nor provides a legitimate basis for rational thought. . . . The role that remains for the infinite to play is solely that of an idea.”⁶⁹ Positing the existence of actual infinities would lead to all manner of absurdities. For example, imagine someone had an infinite number of marbles and he gave you all the even ones resulting in both of you now having an infinite amount of marbles even though no new marbles were created in the transaction. Further imagine that you gave three of your marbles to someone else. Here we see the absurd result that infinity minus infinity equals infinity while, concurrently, infinity minus three equals infinity.⁷⁰

And even if an actual infinite could somehow exist, such an actual infinite could not be obtained through a series of successive events, as would be required in an eternally existing universe.⁷¹ This is known as the problem of “travers-

64 It is interesting to note that the term “big bang” was initially a pejorative used by atheists against those they accused of promoting religious propaganda. See TRENT HORN, ANSWERING ATHEISM: HOW TO MAKE THE CASE FOR GOD WITH LOGIC AND CHARITY (2013). J.M. Warsinger, a professor of physics at Auburn University, wrote the following in the national forum of 1996:

At first the scientific community was very reluctant to accept the idea of the birth of the universe. Not only did the big bang model seem to give in to the [theistic] idea of a beginning of the world but it also seemed to call for an act of supernatural creation. It took time, observational evidence, and careful verification of predictions made by the big bang model for the scientific community to accept the idea of a cosmic genesis. The big bang is a very successful model that imposed itself on a reluctant scientific community.

J.-M. Wersinger, *Genesis: The Origin of the Universe*, 76 NAT’L FORUM 9 (2012).

65 For example, Arthur Eddington described how, despite believing it himself, he had an “indignation that anyone should believe in it.” And how the notion of who created the universe creates “insuperable difficulties unless we agree to look on it as frankly supernatural.” ARTHUR EDDINGTON, *THE EXPANDING UNIVERSE* 124, 178 (1933).

66 CRAIG, REASONABLE FAITH, *supra* note 47, at 128-39.

67 ALEX VILENKIN, *MANY WORLDS IN ONE: THE SEARCH FOR OTHER UNIVERSES* 176 (2006).

68 CRAIG, REASONABLE FAITH, *supra* note 47, at 116.

69 DAVID HILBERT, *ON THE INFINITE, PHILOSOPHY OF MATHEMATICS* 151 (1964).

70 This is similar to the fascinating thought experiment known as “Hilbert’s Hotel.” CRAIG, *supra* note 47, at 118-19.

71 See, e.g., *id.* at 120-124 (explaining in detail the “impossibility of traversing the infinite”).

ing the infinite.”⁷² For example, one could never travel an infinite distance or count to infinity because there would always be further to travel and a higher number to count.⁷³ For this same reason, the universe could not be eternal, as this would require the existence of an infinite number of successive, past events.

Some argue that, despite the overwhelming evidence that the universe is not eternal, perhaps one day new evidence will be discovered, and an eternally existing universe will become feasible. For example, atheist Lawrence Krauss optimistically explains, “It is quite plausible future discoveries will reveal that the universe did not have a beginning.”⁷⁴ This is highly unlikely given the well-established principles of cosmology, thermodynamics, philosophy, and mathematics that all point emphatically to a finite universe. And while it is always technically possible for some as-of-yet unknown future evidence to completely alter current scientific understandings, pointing out this mere possibility does nothing to refute the cosmological argument. This would be the intellectual equivalent of a defendant in a civil action arguing, “Yes, all of the existing evidence strongly points to me being liable, but I am asking you to find me not liable because maybe some time in the future some new evidence will be found that rebuts the plaintiff’s case.” Legal adjudications are not made based on hopeful wishes regarding what the evidence might be; they are made based on the current evidence.⁷⁵

With the finitude of the universe emphatically established, atheists have been reduced to attempting to rebut the other premise that what-

ever begins to exist has a cause for its existence. For example, atheist Victor Stenger posits, “Is it a fact that everything that begins to exist has a cause? Obviously we haven’t observed the beginning of everything, so we can’t say that everything that begins has a cause.”⁷⁶ This objection incurs numerous problems. First, it is a textbook example of the logical fallacy of special pleading. Special pleading occurs when one side, in order to reach a desired result, asserts without evidence that, in a specific instance, a rule does not apply.⁷⁷ This would be analogous to a defense attorney attempting to argue, “Yes, the defendant was alone in the room with the victim. Yes, the victim was shot in the back. And yes, guns generally do not shoot people on their own, but in this one instance, this gun must have done just that because that is what is necessary to avoid the conclusion that the defendant did the shooting.”

Not only is this attempt to avoid the conclusion of the cosmological argument plainly special pleading, but if atheists such as Stenger consistently applied this logic elsewhere, it would undermine the entire field of scientific inquiry. For example, Stenger could argue against gravity by pointing out, “Well, we haven’t observed gravitational forces on *everything*, so we can’t say that it is a universal law.” As one philosopher explained, “To suggest that things could just pop into being uncaused out of nothing is to quit doing serious metaphysics and to resort to magic.”⁷⁸

Perhaps even more peculiar is how some atheists try to avoid the implications of the cosmological argument by simply decreeing that the universe needs no explanation. As famous

72 William Lane Craig, *The Cosmological Argument (Part 3)*, REASONABLE FAITH WITH WILLIAM LANE CRAIG (Aug. 26, 2007), <https://www.reasonablefaith.org/podcasts/defenders-podcast-series-1/s1-cosmological-argument/the-cosmological-argument-part-3>.

73 *Id.*

74 LAWRENCE M. KRAUS, *A UNIVERSE FROM NOTHING: WHY THERE IS SOMETHING RATHER THAN NOTHING* 171 (2012).

75 I like to refer to this as the “Lloyd Christmas defense” after the character portrayed by Jim Carey in the movie *Dumb and Dumber*. There, the character asks a woman what his chance is with her, and she responds, “One in a million.” Upon hearing this, Lloyd becomes excited and exclaims, “So you’re telling me there’s a chance!” WARNER BROS. ENTMT, *So You’re Telling Me There’s a Chance*, WARNERBROS. ENTERTAINMENT (YouTube, June 23, 2023), <https://www.youtube.com/shorts/cbrTKw50X6U>.

76 VICTOR J. STENGER, *THE FALLACY OF FINE TUNING: WHY THE UNIVERSE IS NOT DESIGNED FOR US* 116 (2011).

77 *Special Pleading*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/special%20pleading> (last visited July 15, 2025).

78 CRAIG, REASONABLE FAITH, *supra* note 47, at 111.

atheist Bertrand Russell asserted, “The universe is just there, and that’s all.”⁷⁹ This claim is so devoid of any sound logic that coming up with a courtroom analogy is challenging. Perhaps this is most analogous to a defendant in a civil case stating, “In response to all of the evidence presented by the plaintiff’s attorney, I just didn’t do it, and that’s all.”

Another similar example of special pleading is when atheists claim that the universe somehow caused itself to exist. For example, atheist Daniel Dennett posits that, in the “ultimate bootstrapping trick,” the universe created itself out of nothing.⁸⁰ This objection is highly problematic for a number of reasons. By definition, “nothing” is the absence of anything and therefore can have no creative properties. Such an argument is worse than positing magic; at least when a magician pulls a rabbit out of a hat, you begin with the magician and the hat. It would be far more obtuse to believe that rabbits are popping into existence without explanation whatsoever. This would be the intellectual equivalent of a defendant trying to explain the existence of illegal contraband in his possession by positing that it must have caused itself to come into existence. This is further illustrative of the atheist’s position in that it is highly suspect that the one exception to the rule that things do not pop into existence uncaused out of nothing just happens to be in the one instance that is needed for such a desperate defendant to maintain a very self-serving position.

Some atheists are willing to acknowledge the overwhelming evidence that everything that begins to exist has a cause and that the universe began to exist and, therefore, has a cause but attempt to deny the conclusion that God exists by positing an alternative cause of the universe.⁸¹ In one such example, the atheist posits some type

of all-powerful, timeless, spaceless, all-knowing, uncreated computer.⁸² This is a very illuminating claim because if the entity being referred to as a “computer” is truly all-powerful, timeless, spaceless, all-knowing, and uncreated, then that sounds remarkably like God. Merely renaming God as a computer does not negate this reality.

This is similar to the practice in law whereby legal fictions are used. Examples include corporate personhood, quasi-contracts, and the reasonable person standard.⁸³ Another legal example would be the landmark Supreme Court case regarding the Affordable Care Act, also known as “Obamacare.”⁸⁴ There, the Supreme Court saved the Affordable Care Act under the theory that, despite the fact that the penalties imposed for non-compliance were not taxes, they could reasonably be thought of as a tax—and are therefore constitutional—because they function similar to a tax.⁸⁵ But while legal fictions can have practical applications, they do not change reality.

As demonstrated in this section, the cosmological argument—and the scientific, philosophical, and mathematical evidence that supports it—provides strong evidence for the existence of God. Additionally, the lengths that atheists must go to deny the conclusion of the argument further demonstrate the relative strengths and weaknesses of the two positions. Recall that to be sound, the premises of an argument need only be more likely than their negation. And all of the available evidence points to the premises of the cosmological argument to be far more likely true than not.

C. Moral Argument

The moral argument is a rather simple syllogism that uses intuitive understandings regarding morality as evidence for the existence of God. Prem-

79 William Lane Craig, *The Ultimate Question of Origins: God and the Beginning of the Universe*, REASONABLE FAITH WITH WILLIAM LANE CRAIG, <https://www.reasonablefaith.org/writings/scholarly-writings/the-existence-of-god/the-ultimate-question-of-origins-god-and-the-beginning-of-the-universe> (last visited Aug. 4, 2025).

80 CRAIG, REASONABLE FAITH, *supra* note 47, at 151.

81 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRAIG: *William Lane Craig Debates Atheists*, at 16:20 (Apple Podcasts, Apr. 22, 2022, 7:26 A.M.).

82 *Id.*

83 See, e.g., Michael Conklin, *Book Review: Professional Wrestling and the Law*, 44 ILL. U. L.J. 325 (2025).

84 See NFIB v. Sebelius, 567 U.S. 519 (2012).

85 *Id.* at 588.

ise one [P1] of the argument posits that “If God does not exist, objective moral values and duties do not exist.”⁸⁶ Premise two [P2] posits that “Objective moral values and duties do exist.”⁸⁷ The natural conclusion [C] of these two premises is that God therefore exists.⁸⁸ This is because, by definition, objective morality would exist independent of our individual minds; therefore, it must come from a source external to humans.⁸⁹

A common misunderstanding regarding the moral argument is that it involves the claim that atheists cannot behave in a way that is moral.⁹⁰ But such a claim is in no way inferred from the moral argument. Even if one could emphatically prove that every atheist behaves more morally than every theist, the weight of the moral argument would remain unchanged. The argument states that God is necessary for objective morality to exist; one’s belief in God is irrelevant to the argument.

This is a powerful argument because most people will acknowledge that objective morality exists. And such a belief is antithetical to an atheistic framework. Under atheism, humans are ultimately just a collection of random chemical reactions, produced by a random process, experiencing random interactions with other collections of random chemical reactions. Under atheism, it would be highly peculiar to claim that it is somehow “wrong” for one collection of random chemical reactions to terminate another collection of random chemical reactions (i.e., murder). Atheist Richard Dawkins expertly sums up this position by explaining, “[T]here is, at bottom, no design, no purpose, no evil, no good, nothing but blind, pitiless indifference.”⁹¹

Note that this does not violate Federal Rule of Evidence 402. Merely providing evidence that theists are more moral or that belief in God leads to less crime would likely be inadmissible as irrelevant. That is not, however, what the moral argument for God’s existence does. It is stating

that the existence of God is consistent with our understanding of reality—more specifically, morality—and is, therefore, more likely correct than atheism, which is inconsistent with our understanding of reality.

1. Counterarguments

A strength of the moral argument is the heavy cost it imposes on the atheist attempting to rebut it. To avoid the conclusion that God exists, the atheist must demonstrate that either of the two premises is more likely false than true. Given the rather non-empirical nature of the claim that objective moral values exist, it may appear that the best strategy for the atheist is simply to allege that objective moral values do not exist.

While it is true that the moral argument completely fails if objective morality does not exist, this is not an attractive option for the atheist. By claiming that objective morality does not exist, this puts pressing issues such as racism and sexual assault on par with mere faux pas such as wearing white after Labor Day or belching at the dinner table. A moral relativist could make claims such as “I personally would not commit sexual assault,” “I would personally prefer to live in a world without sexual assault,” and “Sexual assault does not maximize human flourishing.” But they would be unable to state that there is anything morally wrong with one who perpetrates sexual assault. Therefore, this tactic of refuting the moral argument is unlikely to be persuasive, as jurors are unlikely to be receptive to a worldview that, to remain viable, must maintain that there is nothing morally wrong with sexual assault.

In addition to alienating the audience that they are trying to persuade, arguing that there exists no objective morality is also an uphill battle in that many people have a strongly held belief in objective moral values. An atheist who wants to deny the conclusion of the moral argument by arguing that sexual assault is not morally wrong

86 WILLIAM LANE CRAIG, ON GUARD: DEFENDING YOUR FAITH WITH REASON AND PRECISION 129 (2010).

87 *Id.*

88 *Id.*

89 NORMAN L. GEISLER, THE BIG BOOK OF CHRISTIAN APOLOGETICS 363 (2012).

90 CRAIG, ON GUARD, *supra* note 86, at 134-35 (“I’ve been shocked at how often even professional philosophers, who should know better, confuse [this argument as claiming that one must believe in God to behave morally].”).

91 RICHARD DAWKINS, RIVER OUT OF EDEN: A DARWINIAN VIEW OF LIFE 133 (1995).

is unlikely to find many converts. This is because most people know that sexual assault is objectively wrong and, therefore, the atheist's ultimate position is perceived as incorrect. It would be as if a person suffering from deuteranopia color-blindness attempted to convince them that there is no difference between red and green.

Under Federal Rules of Evidence 608 and 609, character evidence is largely inadmissible to attack the credibility of a witness.⁹² And this is for good reason, as people are far less likely to believe a witness if the witness' character is called into question, even on an unrelated matter. However, the moral argument presented in this Article has the secondary function of calling into question the character of the proponents of atheism in a manner that would be admissible. This is because the argument often forces the atheist to admit that objective morality does not exist. Under such a position, the atheist would have to admit that actions such as racism and sexual assault are morally permissible. Jurors would likely view the explanation of this position as highly abhorrent, thus impugning the character of the witness, and causing the jurors to immediately distrust him and likely also cause them to want to distance themselves from such an abhorrent position. This would likely also cause the jurors to become highly skeptical of all other claims made by the atheist advocates.

Likely because of the social stigma involved in denying that actions such as sexual assault are not morally wrong, many atheists are not willing to admit that, under atheism, there is no objective morality. But the only other premise left to refute is that "If God does not exist, objective moral values and duties do not exist." Trying to refute this premise may result in the atheist receiving less societal scorn, but it requires the atheist to produce a feasible, alternative moral

law giver. While the existence of God offers a grounding for objective morality, in the absence of such a moral law giver, it is difficult to even imagine a possible alternative for the cause of objective morality. If, under atheistic naturalism, the matter that makes up the universe is all there is, how would a given configuration of such matter function to impose a moral obligation on mankind?

Some atheists—not wanting to concede that objective morality is inconsistent with an atheist framework—have attempted to invent an objective morality. But this is futile, as its invented nature points to its subjectivity. Atheist Christopher DiCarlo attempts to argue that each atheist can invent his own type of "proximate value" and then live according to that.⁹³ But this is a distinction without a difference as "proximate value" is merely relative value; it is not objective.⁹⁴

Other atheists claim that objective morality can exist apart from God in that whatever helps human flourishing is moral and whatever harms human flourishing is immoral.⁹⁵ But such a standard is patently arbitrary; why not instead base morality on whatever helps the flourishing of octogenarian males, or dolphins, or pear trees? These alternatives would be just as objective. The patently ad hoc nature of claiming that human flourishing is an objective standard under naturalism is demonstrated when atheists are asked why, under atheism, it would be wrong to behave in a manner that did not promote human flourishing. As one atheist replied, "It simply is."⁹⁶

Some atheists attempt to argue against the existence of objective morality by pointing to how different people maintain different opinions regarding morality.⁹⁷ While true, this does nothing to refute the moral argument. Objective truth does not necessitate unanimity of

92 BERGMAN, *supra* note 1, at 76.

93 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRAIG: *Does God Matter?*, at 39:30 (Apple Podcasts, June 4, 2021, 11:13 A.M.).

94 *Id.*

95 CRAIG, REASONABLE FAITH, *supra* note 47, at 138.

96 WILLIAM LANE CRAIG AND WALTER SINNOT-ARMSTRONG, GOD?: A DEBATE BETWEEN A CHRISTIAN AND AN ATHEIST 34 (2003).

97 GEISLER, *supra* note 89, at 363.

agreement. For example, the Earth is objectively spherical even though some people still believe it to be flat. Likewise, objective moral truths exist regardless of the fact that some people reject them and the fact that people do not agree on what is objectively immoral.

The existence of objective morality is inextricably intertwined with the legal system. If objective morality did not exist, then why should we pursue justice rather than injustice? Many landmark antidiscrimination cases are rooted in notions of protecting “dignity” and that it is wrong to deny people their dignity.⁹⁸ And the entire notion of culpability that is the basis for our criminal and civil systems would be called into question under moral relativism. For example, if murder is only wrong in the subjective sense that it is likewise wrong to wear black shoes with a brown belt or show up to a wedding without a gift, then what grounds do we have for holding murderers blameworthy?

Jurors who are exposed to the moral argument are not only likely to find it powerful evidence for the existence of God, but also to find the atheist response unsettling. Noted theistic apologist William Lane Craig explains that, while he personally likes the cosmological argument even better, in his experience, the moral argument is more persuasive.⁹⁹ This is due to how denying the premise of the cosmological argument—that the universe began to exist—does not really affect one’s everyday life.¹⁰⁰ But, denying the premise in the moral argument that there are no objective moral truths would have a profound effect on one’s life.¹⁰¹ Most people have a strong sense that racism and sexual assault are objectively wrong, while not having any interest regarding the age of the universe.¹⁰² Furthermore, jurors want to make decisions that are morally correct.¹⁰³ And emotional narra-

tives are a powerful tool to help jurors reach this end.¹⁰⁴ The moral argument forces the atheist into a tough dilemma. They can either attempt to explain how an atheist framework could contain objective morality or admit that racism and sexual assault are not morally wrong. The former would cause jurors to view them as intellectually dishonest, and the latter would cause the jurors to view them as morally abhorrent. In either instance, this would likely cause jurors to view any other claims by the atheists with heightened skepticism.

VII. Arguments Against the Existence of God

As with any trial, the evidence for one position must be weighed against the evidence for the other position; therefore, while the two previously provided arguments serve as evidence for the existence of God, if there is stronger evidence against the existence of God, then that position is superior. While this section does not contain an exhaustive list of the arguments for atheism, it contains the strongest and the most likely to be presented. Arguments covered include the existence of evil and suffering, who created God, the problem of divine hiddenness, how atheists believe in one less God than monotheists, arguments against a given religion, negative effects of belief in God, the argument from scale, and the possibility of future evidence for atheism. In this section, each of these arguments is provided and then an explanation is given for why the argument either fails completely or provides little evidence for atheism.

A. Existence of Evil/Suffering

Perhaps one of the most common arguments against the existence of God involves an alleged inconsistency with the existence of God and the presence of evil and suffering on Earth.

98 For example, in *Obergefell v. Hodges* the Supreme Court emphasized the importance of preserving the “dignity” of both same-sex couples and the children they raise. 576 U.S. 644, 666 (2015). And in *Brown v. Board of Education*, the Court emphasized how racial segregation imposes an imprimatur of innate inferiority, thus denying them their dignity. 347 U.S. 483, 494 (1954).

99 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRAIG: *What is the Best Moral Argument for God?*, at 7:40 (Apple Podcasts, Apr. 14, 2023, 8:45 A.M.).

100 *Id.*

101 *Id.*

102 *Id.*

103 BERGMAN, *supra* note 1, at 30.

104 *Id.*

While these are technically two separate arguments—the problem of evil and the problem of suffering—they are similar and fail for the same reasons. Therefore, they are combined in this section. The argument generally takes the following form: an omniscient, omnipotent God would not want any evil or suffering on Earth and would have the power to remove evil and suffering; therefore, the presence of evil and suffering proves there is no God.¹⁰⁵ This section describes numerous independent explanations for why this argument fails. Finally, this section explains how this argument, properly understood, functions to make the existence of God more likely, not less.

It appears that most atheists who attempt to use this argument have not seriously considered the underlying implications. At best, it would be limited to disproving the existence of an omnibenevolent God such as the God of the Abrahamic religious traditions. The argument does nothing to refute deism, whereby God created the universe but does not intervene in any way. This section will demonstrate that even in the limited sense of the Abrahamic religious traditions, the argument is ineffective.

The argument fails because the two assumptions required by the premises—that God necessarily desires to eradicate all pain and suffering on Earth and that omniscience, omnipotence, and omnipresence would make such an act possible—are both false. It is somewhat misleading to say that an omniscient, omnipotent, omnipresent being can do anything. This is because such a being cannot do logically impossible acts—such as creating a square circle or a rock so heavy He could not lift it.¹⁰⁶ Likewise, no amount of omniscience, omnipotence, or omnipresence would allow a being to create a world with creatures who possess free will and simultaneously a world with no evil or suffering.

God could do one or the other, but not both. Therefore, while it is true that God could create a world without any evil or suffering, accomplishing this would require stripping every creature of free will. Relevant to this discussion, even some atheists admit that they would prefer to go through life experiencing the evil and suffering that it inevitably entails rather than being turned into an automaton with no free will.

This argument also fails because there is a plethora of valid reasons why a God would permit evil and suffering. The ability of our central nervous system to transmit the feeling of pain serves a valuable function that helps keep us alive, such as when we experience excruciating cold temperatures and seek out warmth, the pain of high-altitude sickness and descend to a lower elevation, or a pain in our mouth that causes us to go see the dentist. An emergency visit to the dentist may be a painful experience, but it is advantageous in the long run. And the process of dealing with pain can be beneficial, such as when one challenges themselves to overcome the pain of running a marathon. Furthermore, if there were no pain and suffering, there would be no opportunity for humans to be compassionate to others and no opportunity to experience the compassion of others.

It appears that most people understand this inherent tradeoff involved in the presence of evil and suffering. Over 60% of Americans agree that suffering exists “[t]o provide an opportunity for people to come out stronger.”¹⁰⁷ More than half of Americans agree that God chooses “not to stop the suffering in the world because it is part of a larger plan.”¹⁰⁸ More than two-thirds of Americans agree that “everything in life happens for a reason.”¹⁰⁹ And more than 70% of Americans agree that “suffering is mostly a consequence of people’s own actions.”¹¹⁰ As C. S. Lewis succinctly explains, “If we as finite be-

105 GEISLER, *supra* note 89, at 141.

106 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRAIG: *The Existence of God in Light of Tsunamis*, at 33:20 (Apple Podcasts, May 28, 2021, 6:42 A.M.) (“Historically, divine omnipotence has always been defined in terms of God’s ability to do whatever is logically possible.”).

107 *Few Americans Blame God or Say Faith Has Been Shaken Amid Pandemic*, *supra* note 15 (19% said this explains suffering “very well” and another 43% said it explains suffering “somewhat well”).

108 *Id.*

109 *Id.*

110 *Id.*

ings know a good purpose for much evil, then surely an infinite Mind can know a good purpose for the rest.”¹¹¹

Atheists who make this argument appear to be playing to the ignorance of others regarding their experiences with evil and suffering. It is not in the least bit surprising that we often do not understand the reasons for the evil and suffering that we have experienced, as our mental capabilities are frequently inadequate for such a task. We are woefully incapable of comprehending the nuanced ways in which an occurrence can set off a chain reaction to produce seemingly unrelated outcomes. This is reflected in the butterfly effect, which holds that seemingly insignificant acts, such as a butterfly flapping its wings, could result in dramatic changes, such as a tsunami thousands of miles away.¹¹² This notion is so commonplace that it has become a movie trope.¹¹³ This inability of humans to predict the widespread consequences or effects of our actions is one of the primary problems with the utilitarian ethical framework.¹¹⁴

The argument from the existence of evil and suffering further fails because it would be logically impossible to remove all evil and suffering from the present world without violating free will.¹¹⁵ When atheists posit the problem of evil and suffering, they likely have in mind extreme events such as a natural disaster or a terrorist attack. But suffering is certainly not just limited to those types of events. Suffering also occurs when someone stubs their toe, when one is stuck in traffic, when one eats too much ice cream, and when one’s significant other breaks up with them. It would be a very peculiar—and arguably inferior—world if every time we attempt to eat one too many bites of ice cream, the hand of God came down and slapped the spoon away.

Eliminating all suffering while keeping human free will intact would also lead to logical impossibilities. For example, breaking up with a significant other would cause them suffering such that God would be obligated to stop us from doing such a thing; but by doing that, it would inflict suffering on us who are now stuck dating the person we want to break up with.

Finally, the logic employed in this argument against the existence of God, properly understood, makes the existence of God more probable, not less probable. As demonstrated above in the Moral Argument section, the entire notion of “evil” utilized by the atheist in making this argument is largely self-refuting. Under atheism, there is no ground for believing in objective morality and, therefore, any accusation of evil is baseless. As C.S. Lewis accounts when he was an atheist claiming that the world was unjust:

Just how had I got this idea of just and unjust? A man does not call a line crooked unless he has some idea of a straight line. What was I comparing this universe with when I called it unjust? . . . Of course I could have given up my idea of justice by saying it was nothing but a private idea of my own. But if I did that, then my argument against God collapsed too—for the argument depended on saying that the world was really unjust, not simply that it did not happen to please my private fancies. Thus, in the very act of trying to prove that God did not exist . . . I found I was forced to assume that one part of reality—namely my idea of justice—was full of sense.¹¹⁶

111 GEISLER, *supra* note 89, at 142.

112 Dan Pilat & Sekoul Krastev, *The Butterfly Effect*, DECISION LAB, <https://thedecisionlab.com/reference-guide/economics/the-butterfly-effect> (last visited Aug. 4, 2024).

113 Cinematic examples include *Sliding Doors*, *Frequency*, *Back to the Future*, *Mr. Nobody*, *About Time*, *Scrooged*, *Run Lola Run*, *The Butterfly Effect*, and *Donnie Darko*.

114 *Calculating Consequences: The Utilitarian Approach to Ethics*, MARKKULA CTR. APPLIED ETHICS (Aug. 1, 2014), <https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/calculating-consequences-the-utilitarian-approach/> (“Our ability to measure and to predict the benefits and harms resulting from a course of action or a moral rule is dubious, to say the least.”).

115 God could certainly make a universe with no evil or suffering. For example, He could simply make a world containing no intelligent life capable of experiencing suffering or perpetuating evil. But erasing the humans who experience suffering is not exactly a solution to the problem of suffering.

116 C.S. LEWIS, *MERE CHRISTIANITY* 38-39 (HarperCollins 2001) (1952); GEISLER, *supra* note 89, at 365.

This is somewhat rare, as generally the failure of an argument is not a positive argument for the opposition. For example, if a defense attorney were foolish enough to argue that his client is not guilty because the crime happened on an even-numbered day, this argument would surely fail. But, the failed argument would not provide positive evidence of the defendant's guilt.

However, when the atheist proffers the argument from evil, this is logically even worse than that courtroom analogy. It would be more analogous to arguing that the defendant is innocent because of newly found evidence that his fingerprints were on the murder weapon. Like the argument from evil, not only does it fail, it lends support to the opposing side.

As demonstrated in this section, what is alleged to be the problem of evil and suffering fails for multiple, independent reasons. Not only are both of the premises of the argument false, there is ample reason to believe that permitting evil and suffering is preferable. For example, eradicating all evil and suffering would necessitate the eradication of human free will as well. It would be a logical impossibility to leave human free will intact while concurrently eradicating evil and suffering. No amount of omniscience, omnipotence, and omnipresence would allow God to perform what is logically impossible. Finally, not only does this argument fail for multiple, independent reasons, but also the atheist's reliance on the existence of "evil" functions to strengthen the claim for theism.

B. Who Created God?

Some atheists attempt to argue against the existence of God by pointing to an alleged inconsistency in the very notion of God. As atheist Richard Dawkins explains, "The whole argument turns on 'Who made God?'"¹¹⁷ Explained further, "[T]he designer himself immediately raises the bigger problem of his own origin. Any entity capable of intelligently designing something as

improbable as a [complex plant] or a universe would have to be even more improbable than [the complex plant]."¹¹⁸

This objection demonstrates an elementary, categorical misunderstanding of the topic. To state the obvious, only created things have a creator. Therefore, asking who created God is the intellectual equivalent of asking what the speed is of the number three or what the temperature is of sadness. Furthermore, it is an elementary point in the philosophy of science that, to recognize an explanation as the best, you do not need an explanation of the explanation.¹¹⁹ For example, if at trial the plaintiff's attorney emphatically proves that it was the defendant's dynamite that caused the damage, it would not be effective for the defense to argue, "Well, then what caused the nitroglycerin used in the dynamite to exist?"

A slight variation on this fallacious argument involves a further misunderstanding regarding complexity. As Dawkins attempts to explain, "A designer God cannot be used to explain organized complexity because any God capable of designing anything would have to be complex enough to demand the same kind of explanation in his own right."¹²⁰ In other words, God would allegedly have to be more complex than the universe He created and, therefore, whatever created God would have to be more complex than God, and whatever created God would then have to be created by an even more complex being, and so on. Therefore, the argument goes, no explanatory advance is made in arguing for the existence of God.

This argument fails for the reason previously explained—by definition, God is not a created being. But it also fails for another reason. It is true that the human brain is very complex, and it is true that the mind of God has far greater cognitive abilities than the human brain. But this in no way equates to God being more complex than a human and certainly not more complex than the entire universe. To the contrary, the at-

117 DAWKINS, THE GOD DELUSION, *supra* note 11, at 136.

118 *Id.* at 146. The complex plant being referenced is the Dutchman's Pipe.

119 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRIAG: William Lane Craig "Eastwoods" Richard Dawkins, at 30:10 (Apple Podcasts, July 15, 2022, 7:53 A.M.). For example, if large, advanced machinery were discovered on the planet Mars, the best explanation would be that some intelligent life put it there. The fact that this explanation then elicits discussion regarding an explanation for what caused that intelligent life (an explanation for the explanation) does nothing to negate how intelligent life is the best explanation.

120 DAWKINS, THE GOD DELUSION, *supra* note 11, at 110.

tributes of God commonly include simplicity.¹²¹ Dawkins' misunderstanding perhaps stems from how the word "simple" is often associated with "easy" and "dumb."¹²² But here, "simple" more appropriately means "non-composite" as in not composed of parts.¹²³ Because God is a disembodied mind and therefore non-physical, He is rather simple in this way. While it is true that a mind's thoughts can be complex, this does not equate to the mind that created those thoughts being complex.¹²⁴ This is illustrated in how a mind can cease thinking a complex thought.¹²⁵

Finally, it is interesting to note the selective logic at play. Atheists initially had no problem believing in the eternal existence of something without a cause, namely, the universe.¹²⁶ It was only after the scientific evidence against an eternally existing universe became overwhelming that atheists reluctantly began to posit that things can come into existence uncaused.¹²⁷

Given the abject obviousness of the error involved in this argument for atheism, it is worth pointing out that this is not a fringe objection. Dawkins is perhaps one of the most popular atheists of the twenty-first century. And "Who created God?" is the primary argument for atheism in his bestselling book, *The God Delusion*.¹²⁸ Dawkins believes this one argument to be so powerful as to make it far more than 50% likely

that God does not exist, allegedly justifying belief that there "almost certainly is not God."¹²⁹

If anything, this argument functions to strengthen the theist's case, not the atheist's. This is because it demonstrates a significant weakness in atheism, namely, the problem of presenting a coherent explanation for the existence of the universe. Unlike God, the universe is not uncreated and, therefore, would have to have a cause of its existence.¹³⁰ Under atheism, there appears to be no viable explanations. This unfortunate reality has led some atheists to merely assert that the universe exists as an axiomatic brute fact and that no explanation is needed. For example, atheist Sean Carroll asserts that "[t]here's certainly no reason to think that there was something that 'caused' it; the universe can just be."¹³¹

C. *The Problem of Divine Hiddenness*

Another argument presented in favor of atheism is that, while there is evidence for the existence of God, it could be more compelling, which would not be a problem to actualize from an omniscient, omnipresent, omnipotent being.¹³² Therefore, because the evidence is not more compelling, God likely does not exist.¹³³ This argument is sometimes referred to as "the problem of divine hiddenness" or the "argument from nonbelief." This objection is one of the most prominent arguments against the existence of

121 See, e.g., *Summa Theologica: First Part: Question 3*, NEW ADVENT, <https://www.newadvent.org/summa/1003.htm> (last visited Aug. 4, 2025) (where the first attribute of God is listed as his simplicity).

122 See #183 *Attributes of God*, REASONABLE FAITH WITH WILLIAM LANE CRAIG (Oct. 18, 2010), <https://www.reasonablefaith.org/writings/question-answer/attributes-of-god>.

123 *Id.*

124 *Id.*

125 *Id.*

126 See *The Origin of the Universe*, STEPHEN HAWKING ESTATE (2005), <https://www.hawking.org.uk/in-words/lectures/the-origin-of-the-universe>.

127 *Id.* ("The motivation for believing in an eternal universe was the desire to avoid invoking divine intervention to create the universe and set it going.")

128 DAWKINS, *THE GOD DELUSION*, *supra* note 11, at 137. The chapter focused solely on this one argument is titled, "Why There Almost Certainly is No God." *Id.*

129 *Id.*

130 See *supra* notes 40-76 and accompanying text.

131 Karlo Broussard, *Why the Universe Can't be Merely a Brute Fact*, CATHOLIC ANSWERS (July 6, 2016), <https://www.catholic.com/magazine/online-edition/why-the-universe-cant-be-merely-a-brute-fact>.

132 See Luke Teeninga, *Divine Hiddenness Argument Against God's Existence*, INTERNET ENCYCLOPEDIA OF PHILOSOPHY, <https://iep.utm.edu/divine-hiddenness-argument-against-gods-existence/> (last visited Aug. 4, 2025).

133 *Id.*

God in modern philosophy of religion.¹³⁴ Some atheists go so far as to posit that even if there exists a single, momentary instance of nonresistant nonbelief by a single human, then theism is disproven.¹³⁵

For this objection to be valid evidence against the existence of God, the atheist would have to somehow demonstrate that if God exists, it would be more likely than not that He is compelled to emphatically prove his existence to humans on Earth. The atheist is unable to meet this required burden for several reasons. First, the argument incorrectly assumes that if God exists, His prime objective would be to emphatically prove His existence to humans on Earth. The atheist never provides any reason for believing that such an obligation exists, and various religions provide ample reason to reject such an assertion. For example, the God of Christianity makes clear that mere belief in Him is of little importance.¹³⁶

Second, there exist numerous reasons for why God would not want to make His existence more obvious. Doing so would deny people the ability to exercise faith.¹³⁷ And if God made His existence undeniable, this would dramatically change the relationship dynamic between Himself and humans.

A further reason that God may not want to make His existence undeniable involves the incessant barrage of reminders of God's existence that this would entail. While effective at proving His existence, this course of action may impose various negative consequences. For example, some people would likely become annoyed at the constant nagging and develop disdain for such a God.

Finally, this argument for atheism fails for an additional, independent reason. The argument presumes that there is some level of overwhelming proof that would compel everyone to believe in God. But as even some atheists have admitted, regardless of how salient God were to make Himself, they would nevertheless refuse to believe. For example, in response to the question "What would persuade you that God exists?", atheist Richard Dawkins stated, "I'm starting to think that nothing would."¹³⁸ And when atheist Peter Atkins was accused of possessing a non-evidentiary view by refusing to accept any potential future evidence for God as satisfactory, he admitted, "Well, I think that's probably the case."¹³⁹

D. Atheists Believe in One Less God Than Monotheists

One argument that is repeatedly made by atheists is how, in comparison to a monotheist, the atheist believes in one less God. For example, Richard Dawkins points out, "We are all atheists about most of the gods that humanity has ever believed in. Some of us just go one god further."¹⁴⁰ And Ricky Gervais posits, to great applause from the audience, that monotheists "don't believe in one less god than I do. . . . You don't believe in 2,999 gods, and I just don't believe in one more."¹⁴¹ This statement may be effective, as it is undeniably true, and its succinctness allows for easy memorization.

Another factor in favor of this argument is that the explanation for why it is a textbook non sequitur requires more bandwidth to communicate and is more complex. This is similar to the rhetorical principle that "if you're explaining, you're losing." The reason this is a complete non sequitur is that it merely states the definitional

134 See, e.g., Travis Dumsday, C.S. Lewis on the Problem of Divine Hiddenness, 97 *ANGLICAN THEOLOGICAL REV.* 33 (2015).

135 See, e.g., *id.* at 34.

136 See, e.g., James 2:19 ("You believe that there is one God. Good! Even the demons believe that—and shudder").

137 Entire books have been written regarding how uncertainty of God's existence benefits the believer through the exercise of faith. See, e.g., CRAIG GROESCHEL, *THE BENEFIT OF DOUBT: HOW CONFRONTING YOUR DEEPEST QUESTIONS CAN LEAD TO A RICHER FAITH* (2025).

138 DAILY DOSE OF WISDOM, *Top Atheists ADMIT It's "Not A Matter of Evidence"*, at 6:35 (YouTube, Jan. 13, 2024), <https://www.youtube.com/watch?v=J8BYcBD52Nc>.

139 *Id.* at 7:05.

140 DAWKINS, *THE GOD DELUSION*, *supra* note 11, at 21, 77.

141 See *THE LATE SHOW WITH STEPHEN COLBERT*, *Ricky Gervais and Stephen Go Head-To-Head on Religion*, at 2:20 (YouTube, Feb. 2, 2017), <https://www.youtube.com/watch?v=PSZOWNK6n9U>.

difference between a monotheist and an atheist; it has no significance as to whether God does or does not exist. It is simply the fundamental nature of how all truth claims operate. To accept something as true, you are necessarily rejecting all of the other incompatible, alternative options.

As applied to the courtroom, imagine a murder trial where the defense alleges that the deceased committed suicide. Now imagine the heart of the defense's case is pointing out that the prosecution lacks belief in billions of other people as the murderer and that the defense just goes further and rejects the belief that one additional person is the murderer—namely, the defendant. Just like the atheist statement regarding believing in one less God, this is true, but it is completely irrelevant to determining the matter to be adjudicated.

E. Arguments Against a Given Religion

Evidence against a given religion does little to nothing to provide evidence for atheism; however, evidence in favor of a given religion could strengthen the case for theism.¹⁴² This may initially appear to be an unfair double standard, but upon closer examination, this is simply the reality of debating such a topic. Theism merely posits the existence of God, not the God of any one specific religion. Even if the atheist produced incontrovertible evidence against a given religion, this would do little to support atheism.

To explain this principle using a courtroom analogy, imagine a life insurance case where the insurance company is arguing that it does not have to pay because the death was a suicide and, therefore, not covered by the life insurance policy. The plaintiff argues that the deceased was murdered by a stranger while in New York City and therefore the insurance company must pay. Here, it would be of no value for the insurance compa-

ny to provide evidence that Sebastian R. Smith from New York City was not the murderer. This is because, as long as the plaintiff did not present a narrative that this Sebastian R. Smith was the murderer, such evidence would be irrelevant because there are millions of other people in New York City who could still be the murderer.

Because an argument against the validity of a given religion would be irrelevant to the issue of whether any God at all exists, this would fail the relevance test in Rule 401 of the Federal Rules of Evidence.¹⁴³ This is dispositive in excluding this type of evidence, but such an attempt would also likely fail for a second, independent reason. Rule 403 maintains that the court may “exclude relevant evidence if its probative value is substantially outweighed by the danger of . . . unfair prejudice.”¹⁴⁴ This is because such attempts would essentially be nothing more than an emotional appeal which is explicitly forbidden under Rule 403.¹⁴⁵ The atheist would essentially be saying, “Look how wrong/immoral this one religion is,” and attempting to connect the theist position with it.

F. Negative Effects of Belief in God

Some atheists have attempted to make a case against the existence of God by claiming that belief in God is harmful to humans. For example, in a debate about the existence of God, atheist Arif Ahmed stated, “My final argument [against the existence of God] is that genuine belief in God actually warps our moral views. It actually makes us think that things are right that only a sick pervert would think are right.”¹⁴⁶

Such attempts to argue against theism on the basis that belief in God is harmful would be excluded under Rule 401 for lacking relevance and likely Rule 403 for being unfairly prejudicial. The same would be true if the theist attempted

142 Note that an argument against a given religion could strengthen the evidence for atheism when it is used to rebut a theistic argument that is based on evidence for a given religion. For example, imagine the theist first offers as evidence the fulfilled prophecies from religion X. In this case, the atheist could provide evidence against the authenticity of religion X in an effort to rebut this claim. But if the theist never attempts to provide this type of evidence—as I have not done in this Article—then any such attack on a given religion would be largely irrelevant. And even here in this limited sense—when evidence for a particular religion has been presented—evidence against that religion, at best, only returns the issue back to the initial starting point.

143 See *supra* notes 27-30.

144 FED. R. EVID. 403.

145 *Id.* The purpose of Rule 403 is explicitly designed to avoid “inducing decision on a purely emotional basis.”

146 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRAIG: *William Lane Craig v. Arif Ahmed: Is Belief in God More Reasonable than Disbelief?*, at 40:20 (Apple Podcasts, Feb. 17, 2019, 12:58 A.M.).

to argue that God does exist because of the benefits that come from believing in God. In both instances, the truth value of the proposition—that God either does or does not exist—is completely independent of its social consequences.

G. Argument From Scale

Some atheists have attempted to point to the vastness of the universe as evidence against the existence of God. For example, atheist Christopher DiCarlo argues,

If God exists, and He created us . . . why such a big place? Do you have any idea how big the universe is? Why are we so privileged in this fairly standard solar system within this galaxy, in which there are millions? . . . Why did He go through so much effort for us? A much more smaller universe—a more quaint universe would have sufficed. . . . Why go through all that trouble? . . . It is very large for what we would need.¹⁴⁷

This argument fails for similar reasons to why the argument from divine hiddenness fails. There are numerous potential explanations for why God might want to create a large universe, and no reason to believe that God would be obligated to create a smaller universe. For example, the argument assumes a very egocentric view of the universe whereby everything is necessarily centered upon the needs of humans on planet Earth. This ignores the option that there is intelligent life elsewhere that would necessitate a larger universe. And, while it is true that humans could survive just fine if God would have created only our solar system and nothing else, many people experience great awe and wonder at seeing galaxies billions of light years away.

Proponents of this argument are likely confused regarding the lack of limitations that an omniscient, omnipotent, and atemporal being would have. If God faced resource limitations similar to what humans do, then perhaps creating a universe bigger than necessary could be

a valid argument, as it would not be worth the effort. But with an omniscient, omnipotent, and atemporal being, this is not the case. It requires no more effort or time for God to create a large universe than a small one.

H. Future Evidence is Possible

Many atheists seem to be relying heavily on an optimistic hope that some future discovery will serve as evidence for atheism.¹⁴⁸ For example, Atheist Kari Enqvist explains:

Yes, of course, it is good to have some sort of philosophy; it is good to have arguments. But, at the same time, I advocate care in the sense that—do not be carried away by the arguments. These are only temporary. They are only provisional. And they might be superseded by other arguments even more powerful in the future.¹⁴⁹

It is possible that in the future some as-of-yet-unknown evidence will be discovered and will serve as evidence for atheism. But, as explained in the Cosmological Argument section, merely pointing to the possibility of such future evidence does nothing to support atheism. If this were the case, a pointless regress would inevitably occur, quickly rendering any intelligent discussion of the matter impossible. After the atheist claims some future evidence might come along supporting his side, the theist would be equally justified in positing that, if such evidence for atheism were to be found, some later evidence might then be found refuting the atheist's future evidence, to which the atheist could then point to the possibility of future evidence that would refute the evidence that refuted the evidence, and so on.

Our legal system—and all rational decision making—is based on the evidence available at the time. Relying on mere hopes and wishes as to what evidence might be found in the future is irrelevant. One should naturally remain open-minded to hearing new evidence as it arises.

147 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRAIG: *Does God Matter?*, at 1:02:15 (Apple Podcasts, June 4, 2021, 11:13 A.M.).

148 See *supra* note 75.

149 IN THE ARENA: THE DEBATES AND LECTURES OF WILLIAM LANE CRAIG: *Can the Universe Exist Without God?* (Apple Podcasts, July 9, 2021, 8:50 A.M.).

es, but until such time, decisions can only be made on the available evidence. Jurors are not even allowed to do their own research and consider existing evidence not presented at trial, so they certainly are not allowed to speculate about the discovery of some as-of-yet-undiscovered evidence.¹⁵⁰

I. Arguments Against God Conclusion

As demonstrated in this section, the arguments for atheism are either inadmissible, invalid, or unpersuasive. They may initially be viewed as legitimate when first heard by a jury who has no experience with the subject but would quickly become transparently invalid under cross examination. As evidence scholar John Henry Wigmore explained, cross examination is “the greatest legal engine for the discovery of truth ever invented.”¹⁵¹

Additionally, these arguments for atheism, along with the objections against the arguments for theism, contain glaring contradictions. Trial advocacy strategists frequently reference the importance of pointing out contradictions in the opposing counsel’s case and how this effects the jury.¹⁵²

VIII. Closing Statement

The following represents an abbreviated, sample closing statement based on the likely outcome of how this case would play out at trial:

Ladies and gentlemen of the jury, throughout this trial I have asked a lot of you. The most important thing that I have asked of you is to think critically about the arguments from both sides. I’m confident that in doing so there is only one clear conclusion: that it is more likely that there exists a God than not. This conclusion is based not only on the overwhelming scientific evidence, but also on common sense notions that we all know to be true.

As we covered, the beginning of the universe demands an explanation,

and the only reasonable explanation is God. While the opposing counsel expressed unwavering faith in some alternative explanation, they never provided a feasible one. Additionally, we covered how the existence of objective moral truths points to a moral truth provider—i.e., God. Here, opposing counsel first attempted to explain how atheism is consistent with objective morality. Then, when that didn’t work, they seemed to concede and agree with many of the atheists we quoted that reject the existence of objective morality. But just think what that means; if there’s no objective right and wrong, then racism, sexual assault, and torture are not wrong. Surely your conscious tells you that’s not true.

The things that opposing counsel have asked you to believe are frankly insulting. We know that even small, simple things like forks, quarters, and pencils don’t just pop into existence uncaused out of nothing. And it would be even more absurd to believe that that the entire universe somehow popped into existence uncaused out of nothing.

Opposing counsel presented the strongest arguments available for their side. An honest assessment of these arguments further demonstrates the weakness of the atheist’s position. Asking who created God demonstrates a complete lack of understanding regarding the topic of debate because God is an uncreated being. And while it is true that God could choose to make Himself more obvious, He could also choose to make Himself less obvious. He is under no obligation to do either. Claiming that God does not exist because He does not act exactly as one person demands is the intellectual equivalent of claiming that a judge

150 FED. R. EVI. 606(b) (explicitly permits, during an inquiry into the validity of a verdict, “extraneous prejudicial information . . . improperly brought to the jury’s attention”).

151 BERGMAN, *supra* note 1, at 81.

152 *Id.* at 344.

does not exist because he disagrees with the judge's ruling. Similarly, God is not obligated to create a universe to the size specifications that the opposing counsel demands; and I am personally happy that God did not, as I enjoy looking at the night sky and seeing objects millions of light years away.

A lot was said by opposing counsel regarding the existence of evil and suffering, but there appears to be great confusion regarding the relevance for this trial. First, by defining some actions as evil, opposing counsel is inconsistently conceding that objective morality exists (otherwise, there would be no grounds for identifying what is evil). This is counter to their contention that there is no objective morality, which is what they had to maintain in an effort to rebut the moral argument we presented. Second, a world without any evil and suffering would require that God violate human free will. Personally, I'd rather deal with the hardships of life than be turned into a robot with no free will. Third, as we discussed, there are numerous reasons why God would want to allow humans to have free will even though that would entail the existence of evil and suffering. And fourth, even if the argument were sound, it would do little to support atheism. As even opposing counsel admitted, it would only apply to certain theistic Gods, leaving open the existence of a God outside that group.

The strongest argument provided in support of atheism was that possibly valid evidence would be discovered in the future. This tells us a lot about the atheist's position. First, it admits that there is currently not any strong evidence in favor of atheism. Second, it demonstrates a powerful juxtaposition between the two positions. It is the theist side that provided scientific evidence to support our position, and it is the atheist side that is reduced to hoping for revolutionary new evidence to

be discovered negating the established scientific evidence. In this we see that this issue is one of scientific evidence on one side and blind faith on the other.

The following might sound odd coming from myself, but I want to say that the people who make up the opposing side are incredibly intelligent, and they did the best possible job with the task that they were given. There are no better arguments for theism that they could have presented, nor are there any better counterarguments available to try and refute the arguments for theism. The reason the trial went the way it did is certainly not because I am any smarter than opposing counsel; it's simply that I was representing the far superior position. To support atheism, just look at what the other side was reduced to asking you to believe—that the entire universe just popped into being, uncaused, out of nothing, and that you and everyone you know is just a cosmic accident—a random assortment of atoms with no ultimate purpose. There is nobody on Earth who can make such a claim sound reasonable.

To succinctly sum up this case, we provided strong evidence for the existence of God, which went unrefuted, while the other side presented invalid arguments followed by a wish that an argument for atheism might come in the future. Remember the burden of proof for this trial. We only had to convince you that it is more likely than not that God exists. I think you would agree that we far exceeded this burden and, therefore, I ask you to render a verdict for our side.

Naturally, the specific closing statement would be longer and more tailored to exactly how the trial unfolded. Because these arguments for theism and atheism have been debated many times before, we can predict how they would likely play out at trial. This model closing state-

ment briefly covers how the theist side might attempt to summarize the highlights of the trial.

Trial strategists often emphasize the importance of candor in talking to the jury.¹⁵³ Therefore, this closing statement intentionally strikes a more colloquial tone. Instead of just reciting statements from the trial, it is more conversational, such as when it effectively asks, “Can you believe what the other side is trying to get you to believe?” As emphasized in the opening statement, this closing statement likewise encourages the jurors to consider how the theist position is more consistent with their everyday experience.

This closing statement contains a paragraph emphasizing how “Opposing counsel presented the strongest arguments available for their side.” This is to avoid a potential problem where jurors believe that, while the evidence provided at trial points emphatically toward theism, there must be some better evidence for atheism that was not provided. While jury instructions commonly remind jurors that they are not permitted to speculate regarding evidence not presented at trial,¹⁵⁴ this language in the closing statements is precautionary.

This closing argument preempts an attempt by the atheists to establish a false burden of proof. As explained in the Burden of Proof section, the neutral standard of preponderance of evidence is applicable here. Another important aspect of a closing statement is to emphasize what the case is *not* about.¹⁵⁵ The sample closing statement provided here does not do this. If the atheists at trial attempted to focus more on attacking religion than trying to provide evidence for atheism, then this might be necessary. This closing argument also follows the trial strategy of not just building the credibility of your arguments, but also undermining the credibility of the opponent’s arguments.¹⁵⁶ In the present case, this is particularly easy.

IX. Trial Advocacy

While the available evidence strongly supports theism, it is still important to apply best practices in trial advocacy to maximize the odds of a successful verdict. It is important to present evidence and narratives in a manner that make them consistent with the everyday experiences of jurors.¹⁵⁷ One example applicable to the present case is that jurors are familiar with how things do not pop into existence uncaused out of nothing. For example, no juror is afraid that, while they are listening to testimony, an elephant will pop into existence in their living room and begin damaging their house.

Therefore, when the advocate for atheism tries to convince jurors that things can pop into existence uncaused out of nothing—i.e., the universe—jurors are likely to immediately resist such a claim, as this is inconsistent with their experience. Furthermore, this would likely lead to an overall loss of credibility whereby other claims made by such a witness would be met with increased skepticism.¹⁵⁸

X. Relevance to the Law

It is interesting to note that the very existence of a legal system implies the existence of God. Under atheism, our minds are merely a random assortment of atoms, and our actions merely the products of random chemical interactions. Under such a worldview, there would be no more basis for imposing liability on humans than there would be for imposing liability on some molecules in the atmosphere that caused a chemical reaction harming some other molecules. The random motions of molecules form no basis for punishment or compensation regardless of whether the molecules are located in a human brain or in the atmosphere.

Furthermore, the role of the judiciary in rehabilitating offenders and disincentivizing certain behaviors would be rendered inoperable under such a worldview because the allegedly random assortments of molecules in the human brain interacting with each other randomly

153 READ, *supra* note 31, at 305.

154 See *supra* note 150.

155 READ, *supra* note 31, at 248.

156 BERGMAN, *supra* note 1, at 49.

157 *Id.* at 53-58.

158 *Id.* at 78 (explaining the importance of how narratives that are consistent with common experience build credibility).

would not respond to incentives. Additionally, legal mandates alone do little to alter behavior when risk of being caught is low.

Finally, the practice of identifying certain behaviors as immoral—and therefore deserving of punishment—is only coherent under a theistic worldview. Such a practice presupposes some level of moral objectivity, and therefore a moral law giver, i.e., God.

This is illustrated in both the motivation for, and the defense of, the Leopold and Loeb murder of 1924. Leopold and Loeb were two atheist aspiring lawyers influenced by atheist Friedrich Nietzsche's concept of "Übermensch," whereby one can rise above moral notions of good and evil.¹⁵⁹ Leopold and Loeb stabbed a child to death with a chisel, just to prove that they could get away with it.¹⁶⁰ In court, they were represented by agnostic Clarence Darrow, who argued against culpability based on the defendants' glandular abnormalities and genetic inheritance.¹⁶¹ He argued that their actions were merely a "series of infinite chances."¹⁶² Darrow argued that "Nature is strong and she is pitiless. She works in mysterious ways, and we are her victims. We have not much to do with it ourselves. Nature takes this job in hand, and we only play our parts. . . . We are only Impotent pieces in the game."¹⁶³ This strongly suggests a deterministic worldview. Atheist Sigmund Freud was even requested as an expert witness for the defense but was unable to serve because of health reasons.¹⁶⁴ A defense psychiatrist that was available testified that Leopold "adhered to a purely hedo-

nistic philosophy that all action was justified if it gave pleasure."¹⁶⁵

XI. Conclusion

Staples of the U.S. legal system such as jury trials, cross examination, procedural fairness, burdens of proof, and rules of evidence combine to create a powerful system for adjudicating competing truth claims. Applying these same standards to the timeless question of God's existence illuminates a reality often obscured by rhetorical sleights of hand and dishonest burden-shifting tactics. As demonstrated throughout this Article, when courtroom standards are applied to this question in an intellectually honest manner, the only logical conclusion is that it is more likely than not that God exists.¹⁶⁶

The cosmological argument reveals that our universe, by its very nature, demands a cause—a cause that transcends space, time, and matter. Despite various attempts to circumvent this through special pleading or desperately speculative alternatives, the scientific consensus points emphatically to a finite universe. This leads inextricably to the conclusion that there is a cause to the beginning of the universe. The atheistic suggestion that the universe simply popped into being uncaused out of nothing is less plausible than the reasoned conclusion that a timeless, immaterial, uncaused being.

The moral argument further strengthens the case for God. Most people intuitively recognize that certain acts are objectively wrong. This moral intuition is not explained by materialism or naturalistic evolution alone. Instead, it

159 *The Leopold and Loeb Trial*, AM. EXPERIENCE, <https://www.pbs.org/wgbh/americanexperience/features/monkey-trial-leopold-and-loeb-trial/> (last visited Aug. 4, 2025).

160 *Id.*

161 Douglas O. Linder, *The Leopold and Loeb Trial: An Account*, UMKC SCH. OF L., <https://famous-trials.com/leopoldandloeb/1741-home> (last visited Aug. 4, 2025).

162 *Id.*

163 *Id.*

164 *Id.*

165 *Id.*

166 Naturally, no verdict is ever guaranteed, as verdicts are the product of the human mind, which is susceptible to numerous errors and biases. See, e.g., Michael Conklin, *I Knew It All Along: The Promising Effectiveness of a Pre-Jury Instruction at Mitigating Hindsight Bias*, 74 BAYLOR L. REV. 307 (2022); Michael Conklin, *The Effectiveness of Bayesian Jury Instructions in Mitigating the Defense Attorney's Fallacy*, 9 HOUS. L. REV. 73 (2019); Michael Conklin, *Combating Arbitrary Jurisprudence by Addressing Anchoring Bias*, 97 WASH. U. L. REV. ONLINE 1 (2019); Conklin, *Reasonable Doubt Ratcheting*, *supra* note 8.

points to a transcendent source of moral truth. Attempts to redefine morality as subjective only undermine any meaningful distinction between moral principles and mere personal preferences. In the courtroom of the human conscience, the evidence for objective morality demands a moral lawgiver—the only explanation for the existence of truly objective moral truths.

Atheistic attempts to refute the two arguments presented for God's existence only demonstrate the strengths of the arguments. Perhaps even more illuminating regarding the relative weakness of the atheistic position are the arguments presented against God's existence. When put under cross examination, these arguments are exposed as non sequiturs or, even worse, as evidence *for* God's existence, not against. The problem of evil and suffering loses its force when free will and the limits of human understanding are honestly considered. The question "Who created God?" only serves to demonstrate an elementary lack of understanding of the topic. Claims that God should make Himself more obvious or that the universe's scale disproves divine intent rest on baseless person-

al preferences on what God *should* do, an accusation humans are woefully underqualified to make. Finally, the claim that some future discovery may refute the arguments for God or provide evidence for atheism demonstrates both a lack of understanding for how evidence works and an irrational desperation.

This Article is more than an abstract thought experiment; it is an invitation to reclaim rigorous standards of truth seeking in an age often dominated by empty rhetoric and bias. By applying the same evidentiary principles that safeguard justice in the courtroom, we are reminded that truth is arrived at through an intellectually honest consideration of the evidence. When this standard is applied to God's existence, the emphatic result is that His existence is more likely than not. Such a clear conclusion is fortunate because, unlike with most trials, this verdict has implications that extend far beyond the courtroom. This conclusion is relevant to nearly every aspect of our lives, as it helps answer profound questions about our origin, moral obligations, and ultimate purpose.

A LAWYER'S CALL: CHISELING DRAGONS, FREEING ANGELS, AND TRANSFORMING HEARTS

by Randy Lee*

Introduction

Both propriety and common sense suggest that at some point it is best for a writer to let a given topic go. After all, if after multiple attempts, one has not successfully articulated all they need to on a particular topic, one might assume that it is best to leave that topic to others and move on to something else. While it may well be true that “if at first one does not succeed, one should try, try again,” the statement becomes less compelling after the twelfth or thirteenth try.¹

I am in no way new to the topic of Christian lawyering and have had numerous opportunities to get it right.² Therefore, were I guided by either propriety or common sense, I perhaps should have deferred when invited to try again to write on that topic. As humans, however, we often miss the opportunity to be guided by either propriety or common sense, and, thus, here I am.

In this case, it was the nature of the invitation that coaxed me to dismiss the sources of my

better judgment. In that invitation, I was reminded that Professor Robert Cochran had recently written the book, *The Servant Lawyer: Facing the Challenges of Christian Faith in Everyday Law Practice*,³ and it was suggested to me that that book merited my attention. As Professor Cochran is both a colleague whom I respect and a friend, it seemed to me valid that I should be curious about his thoughts and should want to reflect upon them myself.

There is much to like about the practice of law. In 2025, *U.S. News* ranked being a lawyer as the twenty-fourth best job in America.⁴ The profession's proponents point out that the profession offers “excellent pay, flexibility, [and] the opportunity to make a difference in people's lives” as it nurtures transferable skills and offers diverse career possibilities.⁵

Still, as long as there have been lawyers and Christians, a certain vague, uneasy tension has surrounded the notion of a Christian lawyer.⁶ Christian lawyers are not unique in such ten-

* Professor of law, Widener Commonwealth School of Law. The author would like to thank for their contributions to this piece mothers, as the ultimate undoers of the knots in our lives, and all the good Samaritans who stop for us along the way.

1 But see Christopher Kazarian, *Former Eagle Kevin Reilly Thrives after Cancer*, ESPN.COM (Oct. 8, 2011), https://www.espn.com/espnw/news-commentary/story/_/id/7072043/former-eagle-kevin-reilly-thrives-cancer. Rocky Bleier, who came back from severe leg wounds suffered in the Vietnam War to play in the NFL, implored fellow NFL player Kevin Reilly who had lost an arm to cancer, “You must promise me you will not quit on something unless you try it at least three times.” *Id.*

2 See, e.g., Randy Lee, *Can a Christian Be a Lawyer or Can Both God and Jackson Browne Be Right*, 38 TOURO L. REV. 1029 (2023); Randy Lee, *Faith through Lawyering: Finding and Doing What is Mine to Do*, 11 REGENT L. REV. 71 (1998); Randy Lee, *The Immutability of Faith and the Call to Action*, 66 FORDHAM L. REV. 1455 (1998).

3 ROBERT COCHRAN, *THE SERVANT LAWYER: FACING THE CHALLENGES OF CHRISTIAN FAITH IN EVERYDAY LAW PRACTICE* (2024).

4 *100 Best Jobs*, U.S. NEWS (2025), <https://money.usnews.com/careers/best-jobs/rankings/the-100-best-jobs> (last visited July 2, 2025).

5 Maria Laus, *21 Unsurpassed Reasons Why Practicing Law Is the Best Profession*, LAW-CROSSING.COM (Feb. 6, 2023), <https://www.lawcrossing.com/article/900053809/21-Unsurpassed-Reasons-Why-Practicing-Law-Is-the-Best-Profession/>.

6 See, e.g., Luke 11:52 (RSVCE) (“Woe to you lawyers! for you have taken away the key of knowledge; you did not enter yourselves, and you hindered those who were entering.”). All Scripture quotations are to the RSVCE unless otherwise noted.

sion. For example, Christian doctors,⁷ Christian plumbers,⁸ and Christian musicians⁹ have been known to experience similar feelings.

Still, for Christian lawyers, these tensions have persisted for over two millennia, and the tension shows no signs of abating. Rather, as our society becomes increasingly secularized, or at least more open to a secular perspective on the world, and as individuals experiment with new notions of Christianity,¹⁰ one can expect an increase in the opportunities for Christian lawyers to be called on to practice law in a manner that requires them to ruminate on what it means to be a Christian. Further complicating the discussion, the perceived tensions surrounding being simultaneously a Christian and a lawyer are not limited to the kinds of cases such lawyers may take. Indeed, the more trying questions may involve the manner in which Christian lawyers may pursue a matter, the means they may employ, the objectives they may have, and the way in which they are to perceive and treat the other people they encounter as they pursue the matter.

In the face of so many potential intricacies, the good news is that for much of the last four

decades, the bar has had the benefit of Professor Cochran's service as a lighthouse for those seeking to navigate simultaneously the tides of Christianity and the legal profession.¹¹ While Professor Cochran has been on the journey of the Christian lawyer for a very long time,¹² the depth of his contribution to the field is not so much a testament to Professor Cochran's age but to his persistence and to his tenacity. Along the way, Professor Cochran has encountered disappointment, confusion, toil, and tears. He, however, has also encountered inspiration, insight, encouragement, and joy. He has encountered people on this journey, some of whose lives he has transformed and some of whom he has been transformed by. On this journey, Professor Cochran has also made friends, some in the usual places¹³ and some not.¹⁴

The Servant Lawyer is a product of this journey. In it, Professor Cochran sometimes shares stories, snapshots he has taken along the way. More often, he shares insights and explanations, efforts to clarify a journey that can seem to a kindred spirit trying to share that journey an obscured trip through a darkened tunnel.

7 See, e.g., Danielle Ellis, *Christ with Us: Practicing Christ-like Presence in an Age of Burnout*, CMDA TODAY, <https://cmda.org/article/christ-with-us-practicing-christ-like-presence-in-an-age-of-burnout/> (last visited July 2, 2025).

8 See, e.g., Nathaniel Marshall, *Instead of Becoming a Pastor, I Minister as a Plumber*, CHRISTIANITY TODAY (Sept. 1, 2022), <https://www.christianitytoday.com/2022/09/i-wanted-to-be-pastor-now-im-plumber/>.

9 Lee, *Can a Christian Be a Lawyer or Can Both God and Jackson Browne Be Right*, *supra* note 2, at 1045-47 (reflecting with Shane Speal, the central figure in America's cigar box guitar revival, on what constitutes a Christian musician). For additional background on Shane Speal, his fiery approach to the blues, and his construction of magical instruments from cigar boxes and other "junk," see Bob Ciani, *Shane Speal: Leading Exponent of The Cigar Box Guitar*, GUITAR NOISE, <https://www.guitarnoise.com/lessons/shane-speal-cigar-box-guitar/> (last visited July 16, 2025).

10 But see Rich Mullins, *Creed, on Songs*, at 1:27-1:31 (streaming, Reunion Records 1995) (insisting about his faith that "I did not make it, no, it is making me."). For an example of this perception that one conforms one's self to one's faith rather than conforming one's faith to one's own desires and expectations, see also SAINT HELENA CATHOLIC CHURCH, *Father Mark Beard's Homily – "Catholic" – Solemnity of the Most Holy Trinity, Year A 2023*, at 2:42 (YouTube, June 4, 2023), <https://www.youtube.com/watch?v=ZB5mqK867aw> (discussing the decision of Catholic actor Neal McDonough to be fired from a television series rather than do a love scene and McDonough's subsequent explanation: "I'm not an actor; I'm a Catholic actor. I'm not just a husband; I'm a Catholic husband. I'm not just a man; I'm a Catholic man, and it's against my teachings, it's against my faith, it's against my wife, and it's against my vow, and it's against my children.").

11 See *Faculty & Research: Robert F. Cochran*, PEPPERDINE CARUSO SCH. OF L., <https://law.pepperdine.edu/faculty-research/robert-cochran/> (last visited July 16, 2025).

12 *Id.*

13 Professor Cochran has, for example, coauthored with many scholars, including Dean Thomas Shaffer, Professor Teresa Collett, and Michael McConnell and Angela Carmella. See THOMAS L. SHAFFER & ROBERT F. COCHRAN, JR., *LAWYERS, CLIENTS AND MORAL RESPONSIBILITY*, SECOND EDITION (2d ed. 2008); ROBERT F. COCHRAN, JR. & TERESA S. COLLETT, *CASES AND MATERIALS ON THE LEGAL PROFESSION* (AMERICAN CASEBOOK SERIES) (2d ed. 2002); CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Michael W. McConnell et al. eds, 2001).

14 See *infra* text accompanying notes 58-95.

In Robert Bolt's *A Man for All Seasons*,¹⁵ Bolt's vision of the canonized lawyer Saint Thomas More finds his Christian walk obscure¹⁶ and "subtle"¹⁷ and ultimately so demanding that it costs More everything, including his earthly life—indeed everything but More's soul.¹⁸ Modern lawyers journeying through a life in secular law often find their journey equally trying. As reflected in this piece, such lawyers find that there are those they cannot save, that they themselves are being chiseled along the way, and that their hearts will know distress and their hope will find itself in shadows. Such is an odd journey on which to embark.¹⁹

Odd though it may be, it is "the way"²⁰ the one who would lead us home first traveled before us, and we would do well to keep close to us the exhortation from the late Rich Mullins to "[n]ever forget what Jesus did for you. Never take lightly what it cost Him. And never assume that if it cost Him His very life, that it won't also cost you yours."²¹ Assuredly, God never called us to save everyone we encounter, but He did call us to love all those we find in our path, and He called us to be drawn closer to Him—to be transformed—by all those we encounter.

A Stormy Faith, a Profession on the Brink, and a Command to Love Rather than to Save

When I first encountered the title of Professor Cochran's book, *The Servant Lawyer: Facing the*

Challenges of Christian Faith in Everyday Law Practice, I saw that title slightly differently than it actually appears on the book's cover. What I saw was *Facing the Challenges of Everyday Law Practice with Christian Faith*. Thus, I associated the "challenges" to be "faced" with everyday law practice rather than with Christian faith. I suppose I saw what I saw in part because recently I have been particularly sensitized to the challenges of everyday law practice.

Indeed, a friend of mine recently left the practice of criminal defense law after 40 years, deeply affected by post-traumatic stress disorder. Another lawyer friend, reflecting on the prospect of getting out of the practice, told me, "Twenty-five years of having your client betrayed by the legal system, not by the other side but by the system itself, takes its toll on you." A career counselor I know, speaking more generically, observed, "Work can suck the life out of you."²² These responses are by no means isolated or anecdotal. One survey conducted by the American Bar Association found that "nearly a quarter of people who graduated with a law degree in 2000 no longer practiced law as of 2012."²³

The challenges of the everyday practice of law are profound and relentless, and they can, so to speak, suck the life out of you. A 1990 study of 1,200 attorneys in Washington state "found 18% of attorneys were problem drinkers, which [] was almost twice the 10% estimated prevalence of alcohol abuse and dependence among Amer-

15 ROBERT BOLT, *A MAN FOR ALL SEASONS: A PLAY IN TWO ACTS* (Vintage Intl. 1990).

16 *Id.* at 65-66 ("Let me draw your attention to a fact—I'm not God. The currents and eddies of right and wrong, which you find such plain sailing, I can't navigate. I'm no voyager. But in the thickets of the law, oh, there I'm a forester.").

17 *Id.* at 67 ("Oh, Roper, you're a fool, God's my god . . . But I find him rather too subtle . . . I don't know where he is nor what he wants.").

18 Randy Lee, *Robert Bolt's A Man for All Seasons and the Art of Discerning Integrity*, 9 WIDENER J. PUB. L. 305, 316-17 (2000) ("Rather than finding himself, More has chosen to lose himself in his savior, but in doing so he believes he has inherited eternity").

19 See, e.g., *THE TWO TOWERS* (WingNut Films 2002) (Galadriel telling Elrond "In his heart, Frodo begins to understand. The quest will claim his life. You know this. You have foreseen it. It is the risk we all took.").

20 John 14:6.

21 Rich Mullins: *Quotes: Quotable Quote*, GOODREADS, <https://www.goodreads.com/quotes/154281-so-go-out-and-live-real-good-and-i-promise> (last visited July 9, 2025).

22 Randy Lee, *Can a Single Masterpiece Sustain a Lawyer's Lifetime and Other Questions That Cross a Lawyer's Way*, 22 PROF. LAW. 89, (2014). But see Randy Lee, *Dorothy Day and Innovative Social Justice: A View from Inside the Box*, 12 WM. & MARY J. WOMEN & L. 187, 201 (2005) ("Man, then, does not work because he does not have the wealth stored up to constantly be at rest; man works because his dignity is in creating.").

23 Emily Holland, *Leaving the Practice of Law*, ADR TIMES (June 30, 2023), <https://adrtimes.com/leaving-the-practice-of-law/>.

ican adults at that time.”²⁴ In addition, “19% of the Washington lawyers suffered from statistically significant elevated levels of depression, which they contrasted with the then-current depression estimates of 3% to 9% of individuals in Western industrialized countries.”²⁵

Since then, the challenges of law practice and their toll have most likely gotten worse. A subsequent national study in 2016 assessing 12,825 licensed, employed attorneys found 20.6% screening positive for hazardous, harmful, and potentially alcohol-dependent drinking” and “28%, 19%, and 23% experiencing symptoms of depression, anxiety, and stress, respectively.”²⁶

One might argue, in defense of the profession, that lawyers are being set up. A recent Gallup survey found that in 2023 only 16% of Americans rated lawyers “very high” for “honesty and ethical standards,” down from 22% in 2019.²⁷ Yet, demand for legal services continues to increase.²⁸ Thus, it is not unfair to surmise that an increasingly despairing and broken nation increasingly brings more and more of their problems to a profession they trust less and less. Making matters even less navigable, behavior between lawyers continues to grow more antagonistic as well. In 2018, for example, the American Bar Association observed that “[c]ivility in

our profession is waning, especially in the litigation arena.”²⁹

As one untangles the knot of challenges lawyers must face today, one might well decide that the attribute a lawyer most needs to transcend such omnipresent despondency is a tenacious hope. In this light, Father John Riccardo of Acts XXIX Ministries has described hope as a “uniquely Christian virtue.”³⁰ If Father Riccardo’s observation rings true, then perhaps the more appropriate question for the bar to ask is not the perennial whether Christians can be lawyers³¹ but whether non-Christians can survive as lawyers.

Still, such glibness about hope and practice should not distract from the importance of Professor Cochran’s recent work.³² Even the Christian resolutely convicted that he has been sent out to save, heal, reconcile, and restore³³ through the legal system may well find himself severely challenged by a life in the law. What lawyer, for example, seeking after God has not on occasion felt, like the Apostle Paul, weighted down by toils and hardships, anxiety for others, daily pressures, sleepless nights, hungers and thirsts, and feelings of inadequacy?³⁴ Who has not felt so relentlessly pursued that they wished that there was someone, anyone, who might facilitate their escape by hiding them in a basket, passing

24 Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016), https://journals.lww.com/journaladdictionmedicine/fulltext/2016/02000/the_prevalence_of_substance_use_and_other_mental.8.aspx.

25 *Id.*

26 *Id.*

27 Megan Brenan & Jeffrey M. Jones, *Ethics Ratings of Nearly All Professions Down in U.S.*, GALLUP: POLITICS (Jan. 22, 2024), <https://news.gallup.com/poll/608903/ethics-ratings-nearly-professions-down.aspx>.

28 Isaac Brooks, “2025 State of the US Legal Market” Analysis: *The Cost of Chasing Opportunity*, THOMSON REUTERS (Jan. 27, 2025), <https://www.thomsonreuters.com/en-us/posts/legal/legal-market-report-analysis-opportunity-cost/>.
Lest one associate too rosy of an economic picture with the increasing demand for legal services, it should be noted that the expense lawyers must incur to capture business is also increasing. *Id.*

29 Siobhan Cullen, *Civility in the Practice of Law*, ABA (May 22, 2018), <https://www.americanbar.org/groups/litigation/resources/newsletters/products-liability/civility-in-the-practice-of-law/>.

30 WORD ON FIRE INST., *The Beauty of Hope – Fr. John Riccardo*, at 11:23-11:25 (YouTube, Mar. 7, 2023), https://www.youtube.com/watch?v=ly2h_ipcOek.

31 See *supra* text accompanying notes 6-14.

32 See COCHRAN, *supra* note 3.

33 See, e.g., *Matthew* 10:1 (“And he called to him his twelve disciples and gave them authority over unclean spirits, to cast them out, and to heal every disease and every infirmity.”).

34 See 2 *Corinthians* 11:26-28.

them through a window, and lowering them down a wall.³⁵ Is the view for Christian lawyers today so unlike that of Saint Augustine, who found himself confronted with “the shattered and collapsing Empire attacked on all sides by barbarian armies?”³⁶

Indeed, it is not all together unfair to analogize the experience of a Christian lawyer to finding one’s self immersed in a tsunami, and tsunamis can profoundly impact the psyches of even Christians. Hardeep Rai, a Christian and the founder and chief executive officer of the Kaleidoscope Group,³⁷ was trapped in a tsunami in 2004.³⁸ Fleeing the onrushing wave, Mr. Rai found himself running past people who “were dying, that had bones sticking out.”³⁹ Although “it was horrific to see,” Mr. Rai knew “[i]f I stop for them, I’m not going to be here.” Mr. Rai insists that during that experience, he had to reconcile himself to a reality that “you can’t help everybody.”⁴⁰ Such a reality, however, can feel deeply at odds with the Christian psyche.

Mr. Rai was, of course, not the first Christian to feel at a loss while being tossed about by a violent storm at sea. The apostles once found themselves in a boat crossing a lake when a violent and turbulent storm erupted.⁴¹ Their boat

was covered by waves relentlessly crashing down on them.⁴² The noise from the storm was so loud in their heads that they could barely hear themselves think.⁴³

The apostles tried desperately to call out for help through the storm, but three words were all they could manage to articulate: “Lord. Save. Lost.”⁴⁴ All the while, their master and savior lay “asleep on the cushion” in the stern of the boat.⁴⁵

Of course, for the Christian lawyer and for the Christian generally, not all tsunamis happen at sea. Did not, for example, a tsunami precede the feeding of the 5,000?⁴⁶ Were we to find ourselves today in the place of those Christian predecessors, having to feed all those hungry mouths, would that predicament not similarly resemble both a tsunami and a lawyer’s life?

There we would be, out on the beach. The hour grows late, the place grows lonely, but the starving masses still clamor all around us.⁴⁷ The hunger is so great; there are so many mouths to feed. If we do not feed them, they will surely fall along their way.⁴⁸ Yet, the resources before us are not enough.⁴⁹ The system is too broken, the players too imperfect. The pressure is relentless.

35 See 2 Corinthians 11:32-33.

36 THOMAS MERTON, *PEACE IN THE POST-CHRISTIAN ERA* 41 (2004).

37 *Kaleidoscope Group: How It All Began*, KALEIDOSCOPE GROUP, <https://www.kaleidoscope.group/about-ki/> (last visited July 9, 2025).

38 Hardeep Rai, *Disability: A Different Dimension*, TOUROLAW, <https://www.tourolaw.edu/abouttourolaw/disability-rights-conference-2025> (last visited July 21, 2025).

39 *Id.*

40 *Id.*

41 Mark 4:37.

42 WORD ON FIRE INST., *supra* note 30.

43 *Id.*

44 See Mark 4:38; WORD ON FIRE INST., *supra* note 30, at 38:20-39:50 (explaining the English quote “Teacher, do you not care if we perish?” is actually translated from three Greek words in the original text meaning “Lord,” “save,” and “lost”).

45 Mark 4:38.

46 See Mark 6:34-44.

47 See, e.g., Mark 6:31 (“And he said to them, ‘Come away by yourselves to a lonely place, and rest a while.’ For many were coming and going, and they had no leisure even to eat.”).

48 Matthew 15:32 (“Then Jesus called his disciples to him and said, ‘I have compassion on the crowd, because they have been with me now three days, and have nothing to eat; and I am unwilling to send them away hungry, lest they faint on the way.’”).

49 John 6:9 (“Andrew observed, ‘There is a lad here who has five barley loaves and two fish; but what are they among so many?’”).

Our master commands, “Make the people sit down.”⁵⁰ Have them be still. “You give them something to eat.”⁵¹ We look down at the resources of our lives and are humbled to ask, “[W]hat are they among so many?”⁵²

Only then does our master respond, “Be not afraid,” and at the sound of His voice, the storm is silenced. We ask, “Who is this that even the wind and the waves obey Him?” And He answers, “It is I who will feed them . . . through you.”

Mr. Rai does not abandon us with the notion that we cannot save everyone. God never commanded us to save everyone or anyone. He only commanded us to love.⁵³ The consequences of that love, meanwhile, are beyond our control. As missionary and evangelist Joyce Meyer acknowledged:

If God has called me to do it, He’s the one who has to make it succeed. It’s not even up to me today to make this good. It’s totally up to God. What I have to do is just surrender to God and let Him do what He wants to do.⁵⁴

God did not make us to be barren, but He also did not make us to be anxious about consequences either.⁵⁵ As God Himself has said, the consequences are His.⁵⁶ All we can do is love.

Changing Us and Changing Others

In *The Servant Lawyer*, Professor Cochran addresses this distinction between a call to save and a call to love. In particular, Professor Cochran shares his story of representing Sidney Cutchin, a person whom God had apparently brought into Professor Cochran’s life, a client whom Professor Cochran seemingly had been called to save.⁵⁷ Sidney Cutchin “was a young man who was charged with several felonies, including robbery and malicious wounding.”⁵⁸

There was little room in this representation for Professor Cochran to save Sidney. The police had obtained written confessions from Sidney and his accomplice brother.⁵⁹ The prosecutor thought them both “scum.”⁶⁰ Sidney was prepared to and did plead guilty.⁶¹

In anticipation of Sidney’s sentencing hearing, Professor Cochran rummaged around Sidney’s life for something in Sidney’s background that might invite the judge’s sympathies.⁶² In doing so, Professor Cochran discovered only that Sidney had once sung in his church’s youth choir.⁶³

Good Christian that he was, during the representation, Professor Cochran found himself considering Sidney a “friend” and offering to pray with Sidney.⁶⁴ During the sentencing hearing, as Professor Cochran pled Sidney’s case,

50 *John* 6:10.

51 *Mark* 6:37.

52 *John* 6:9.

53 *John* 13:34-35 (Jesus said at the Last Supper, “A new commandment I give to you, that you love one another; even as I have loved you, that you also love one another. By this all men will know that you are my disciples, if you have love for one another.”).

54 *15 Minutes in the Word with Joyce: Galatians—Part 6*, JOYCE MEYER MINISTRIES (July 10, 2025), <https://joycemeyer.org/Shows/Radio>.

55 *Matthew* 6:25-34 (Jesus calling us not to be “anxious about [our] life”).

56 See, e.g., *Romans* 8:28 (“We know that in everything God works for good with those who love him, who are called according to his purpose.”).

57 See *infra* text accompanying notes 62-72.

58 COCHRAN, *supra* note 3, at 9.

59 *Id.*

60 *Id.* at 10.

61 *Id.* at 9.

62 *Id.*

63 *Id.*

64 ROBERT COCHRAN, *THE SERVANT LAWYER: FACING THE CHALLENGES OF CHRISTIAN FAITH IN EVERYDAY LAW PRACTICE* 9 (2024).

Professor Cochran “became a bit emotional and teared up.”⁶⁵ The judge, however, was unmoved, and “gave Sidney a stiff prison sentence—eighteen years with six suspended.”⁶⁶ Sidney was escorted out through the backdoor; Professor Cochran left by the front.⁶⁷

That should have been the end of it. The matter was over, at least technically.⁶⁸ One cannot save everyone, and certainly, Professor Cochran had not saved Sidney, not from prison, not from hard time, not from a system who saw Sidney as less than human.⁶⁹

God, however, had not called Professor Cochran to save Sidney, but to love him, and Professor Cochran considered himself to be one who sought to follow the Lord’s call. “Love,” it so happened, could be taken to include “visit,”⁷⁰ or even to include “staying in touch when no one else is likely to do so.”⁷¹ Thus, it occurred to Professor Cochran, years later while driving through Virginia, to drop in on Sidney in prison, just “to see how he was doing.”⁷²

Sidney seemed “pleased by the visit;” at least “his face lit up.”⁷³ The two men exchanged stories and shared time, but the visit, otherwise, “yielded no dramatic results.”⁷⁴ At the visit’s end, Professor Cochran said goodbye, departed, and “lost touch” with Sidney for another 25 years.⁷⁵

“Losing touch,” however, is only a figure of speech. Professor Cochran continued on occasion to think of Sidney and to pray for him.⁷⁶

When Professor Cochran ultimately caught up with Sidney again, Sidney had been released from prison, never to go back again.⁷⁷ Sidney had gotten married while in prison to a woman who had insisted he “turn his life over to Christ,” and they had been married for 31 years.⁷⁸ Sidney had also been carrying the same Bible with him all of those 31 years.⁷⁹ During Sidney and Professor Cochran’s time apart, Sidney had raised his children, led Bible studies, and prayed for Professor Cochran—prayed “for the blood cover of Jesus over you to keep you safe, keep you protected in the name of Jesus.”⁸⁰ Professor Cochran may have originally thought he had encountered Sidney to reduce a sentence, but Professor Cochran had encountered Sidney that Sidney might come to lift up Professor Cochran in prayer.

The way of our exile is that time and distance intercede between us, and, thus, more often than not, we cannot even see the fruits of those moments we invest in loving God and loving neighbor.⁸¹ Professor Cochran observed that “alienation arises because even [Christian lawyers] wonder if they are doing a good thing in the world.”⁸²

65 *Id.*

66 *Id.*

67 *Id.*

68 *Id.* at 19-20.

69 *Id.* at 10 (a local prosecutor referring to Sidney and his brother as “scum”).

70 *Matthew* 25:36 (NCB) (“I was in prison and you came to visit me.”); *see also* COCHRAN, *supra* note 3, at 20.

71 COCHRAN, *supra* note 3, at 20.

72 *Id.*

73 *Id.*

74 *Id.*

75 *Id.*

76 *Id.*

77 ROBERT COCHRAN, *THE SERVANT LAWYER: FACING THE CHALLENGES OF CHRISTIAN FAITH IN EVERYDAY LAW PRACTICE* 220 (2024).

78 *Id.*

79 *Id.*

80 *Id.* at 221.

81 *See* 1 *Corinthians* 15:58 (Paul exhorting the Church in Corinth not to grow discouraged but to “be steadfast, immovable, always abounding in the work of the Lord, knowing that in the Lord your labor is not in vain”); *see also* *The Litany of Trust*, SISTERS OF LIFE, <https://sistersoflife.org/litany-of-trust/> (last visited July 25, 2025) (“From the belief that my life has no meaning or worth, Deliver me, Jesus. From the fear of what love demands, Deliver me, Jesus. From discouragement, Deliver me, Jesus.”).

82 COCHRAN, *supra* note 3, at 34.

Yet, the seed we plant on God's behalf, according to His time and His will, still yields a harvest beyond our imagination.⁸³ As it turned out, God had not only placed Sidney in Professor Cochran's path, but God had also placed Professor Cochran in Sidney's.

Atticus Finch is the most lauded lawyer, real or imagined, in American legal lore.⁸⁴ Yet, Atticus lost every one of his cases for which we know the outcome: three capital cases, two Haverfords and one Robinson; three convictions; three executions.⁸⁵

Still, the people of Maycomb, Alabama, always trusted Atticus, on those rare occasions when they were "called on to be Christians . . . to go for them."⁸⁶ They always knew Atticus would do the right thing; even when he knew he was "licked" before he began, they knew he would "begin anyway" and "see it through no matter what."⁸⁷ Any lack of success on Atticus's part did not prevent the Reverend Sykes from instructing Atticus's daughter Scout, "Miss Jean Louise, stand up. Your father's passin',"⁸⁸ and Atticus's children still grew up to know everyone's "real nice" "when you finally see them."⁸⁹ Love can do all that, even if it is true that you "can't help everybody."⁹⁰

Mother Teresa used to say that it is not love until it hurts,⁹¹ and integrity, every time one has to use it, leaves a mark.⁹² That's how we know we've used integrity. It's how we know we've loved.

After Professor Cochran had "teared up" at Sidney's sentencing hearing, a prosecutor had taken Professor Cochran aside and told him not to. The likes of Sidney Cutchin were "not worth it." Jesus, on the other hand, continues to insist that "[b]lessed are those who mourn, for they shall be comforted,"⁹³ and blessed are those who allow themselves to "hunger and thirst for righteousness," for the day will come when "they will be satisfied."⁹⁴

When we wonder whether we are doing a good thing, we must remind ourselves that loving is a good thing, and we must take account of whether our skills as a lawyer are expanding or restricting our capacity to love. We must remember that sometimes we must look for the good in something that has happened in us rather than in something that has happened around us, and we also must remember that we do not solve our clients' problems by putting our arms around our clients but by putting God's arms around them through us.⁹⁵

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- 83 *Matthew* 13:8 (Jesus describing the yield of the seeds that "fell on good soil and brought forth grain, some a hundred-fold, some sixty, some thirty").
- 84 In addition to Atticus Finch being recognized by the American Film Institute in 2003 as the greatest hero of American film, numerous organizations, like the Missouri Association of Criminal Defense Lawyers have named awards after Atticus Finch. *AFI's 100 Years . . . 100 Heroes & Villains*, AM. FILM INST., <https://www.afi.com/afis-100-years-100-heroes-villains/> (last visited July 25, 2025); see, e.g., *Atticus Finch Award*, MO. ASS'N OF CRIMINAL DEFENSE LAWYERS, <https://macdl.net/AtticusFinchAward.aspx> (last visited Aug. 13, 2025). The award's slogan is "Stand together. Defend with Courage. Fight for Justice." *Id.* (last visited Aug. 13, 2025).
- 85 HARPER LEE, *TO KILL A MOCKINGBIRD* 4-5 (Warner Books ed., 1982) ("[Atticus's] first two clients were the last two persons hanged in the Maycomb County jail."). *Id.* at 235 (describing how Atticus's client Tom Robinson died after being shot 17 times in the prison yard).
- 86 *Id.* at 215.
- 87 *Id.* at 112 (Atticus defining "courage" for his son, Jem).
- 88 *Id.* at 211.
- 89 *Id.* at 281.
- 90 See *supra* text accompanying note 40.
- 91 Mother Teresa, *Mother Teresa: Quotes: Quotable Quote*, GOODREADS, <https://www.goodreads.com/quotes/252966-i-must-be-willing-to-give-whatever-it-takes-to> (last visited July 9, 2025) ("This requires that I be willing to give until it hurts. Otherwise, there is no true love in me, and I bring injustice, not peace, to those around me").
- 92 Lee, *Can a Single Masterpiece Sustain a Lawyer's Lifetime and Other Questions That Cross a Lawyer's Way*, *supra* note 22, at 99-100.
- 93 *Matthew* 5:4.
- 94 *Matthew* 5:6.
- 95 SAINT HELENA CATHOLIC CHURCH, *supra* note 10, at 6:10-6:30 (distinguishing between taking the world's needs to Jesus and "trying to solve the world by putting our hands around it").

Dragon Skin and Angel Wings and This Person God Has Brought into My Life

Professor Robert Cochran begins *The Servant Lawyer*⁹⁶ with a quote from his long-time friend and sometimes co-author the late Dean Thomas Shaffer.⁹⁷ Specifically, Professor Cochran titles the book's first chapter, "This Person God Has Brought into My Life."⁹⁸

In the Christian imagination, personal encounters with the people God has brought into our lives are perceived to be transformative. Early members of the Church, for example, considered themselves defined solely by having had such a personal encounter either directly with Jesus or with one whom Jesus had brought into their life.⁹⁹ Thus, the Apostle Paul writes in his letter to the Galatians that one who has had such an encounter is no longer "Jew nor Gentile," "slave nor free," "male [nor] female."¹⁰⁰ Instead, those who have had such an encounter are exclusively "children of God," "clothed . . . with Christ."¹⁰¹

Historically, the purpose of these encounters orchestrated by God have been two-fold: to change us and to change others. Bishop Robert Barron explains,

The theme of Jesus' "inaugural address" is conversion: "The kingdom of God is at hand. Repent, and believe in the gospel." And the motif of his final words is mission: "Go, therefore, and make disciples of all nations." The

Christian life is lived in between, and under the conditioning of, these two imperatives.

Having been seized by the beauty of revelation, our only proper response is a change of life and a commitment to become a missionary on behalf of what we have seen.¹⁰²

The natural inclination of Christians is to find it easier to see in our encounters with others the latter call to mission rather than the former opportunity for personal transformation.¹⁰³ As human beings, we are wired, as Mr. Rai has pointed out,¹⁰⁴ to love, to be able to help, and to be able to make other people feel comfortable.¹⁰⁵ Moreover, Professor Cochran insists that this inclination is particularly encouraged and cultivated in lawyers. After all, only the select few are allowed to enter law school, and once in law school, Professor Cochran tells us, we receive a unique "training in practical wisdom" and the benefit of "learning to think like a lawyer."¹⁰⁶ As we join the ranks of the profession, we come to understand that we are uniquely gifted with "a feel for common ground, an eye to the future, problem solving abilities, tolerance, and recognition of the value of incremental change."¹⁰⁷ In addition, as lawyers, we have the capacity to "bring empathy, intelligence, experience, and creativity to a problem."¹⁰⁸ Meanwhile, in the world in which we reside, lawyers are likely to "see more

96 COCHRAN, *supra* note 3, at 3.

97 See, e.g., SHAFFER & COCHRAN, *supra* note 13; Thomas L. Shaffer & Robert Cochran, "Technical" Defenses: Ethics, Morals, and the Lawyer as Friend, 14 CLINICAL L. REV. 337 (2007).

98 COCHRAN, *supra* note 3, at 5.

99 See STEUBENVILLE CONFERENCES, *Fr. Dave Pivonka, TOR | A Time to Stand | Priests, Deacons, Seminarian's Retreat*, at 10:40-11:10 (YouTube, Sept. 16, 2021), https://www.youtube.com/watch?v=pp_OqeKICT0.

100 Galatians 3:28.

101 Galatians 3:26 (NASB).

102 *Daily Gospel Reflections: Tuesday, June 10, 2025*, Bishop Robert Barron, WORD ON FIRE CATHOLIC MINISTRIES (JUNE 10, 2025), <https://www.wordonfire.org/reflections/c-ordinary-wk10-tuesday-2/>.

103 See Matthew 7:3 (Jesus noting, "Why do you see the speck that is in your brother's eye, but do not notice the log that is in your own eye?").

104 See *supra* text accompanying note 33.

105 Rai, *supra* note 38.

106 COCHRAN, *supra* note 3, at 41.

107 *Id.*

108 *Id.*

than their fair share of selfishness, anger, and conflict,” as well as “human depravity.”¹⁰⁹

After having been invited to such an elevated vision of one’s self and such a broken vision of one’s world, one would be hard-pressed not to see every encounter exclusively as an invitation to a mission of the salvation of the other.¹¹⁰

Christians must also remember, however, that although Saul thought he had embarked on the road to Damascus to save the world from Christians, Saul had actually been placed on that road by God so Christ could transform Saul to Paul.¹¹¹

Saint John of the Cross alerted those seeking the Christian life that they should expect to be chiseled into a more perfect form by those craftsmen with which God would surround them:

Thus you should understand that those who are in the monastery are craftsmen placed there by God to mortify you by working and chiseling at you. Some will chisel with words, telling you what you would rather not hear; others by deed, doing against you what you would rather not endure; others by their temperament, being in their person and in their actions a bother and annoyance to you; and others by their thoughts, neither esteeming nor feeling love for you. You ought to suffer these mortifications and annoyances

with inner patience, being silent for love of God and understanding that you did not enter the religious life for any other reason than for others to work you in this way, and so you become worthy of heaven.¹¹²

We come, then, to the law convinced that the law is an instrument by which we can save the world,¹¹³ but Saint John of the Cross would have us understand our vocation in law as an instrument by which God might make us “perfect,”¹¹⁴ or at least make us “whole.”¹¹⁵

Michealangelo was once asked how he had gone about the sculpting process and responded, “I saw the angel in the marble, and carved until I set him free.”¹¹⁶ Our own Michealangelos are all about us, and our own angels are waiting to be set free. As one therefore seeks to resist the chisels of others, one might well ponder the possibility that it is blessing and healing that he may be attempting to impede. Perhaps, we might be more amenable to being chiseled if only our imaginations could be unleashed so that we might conceive “all He created us to do” and might understand our ability “to do things more wonderful than we could ever imagine.”¹¹⁷ Perhaps, then our angels might be set free.

In the Parable of the Prodigal Son, the elder brother, the good brother, the brother we think was not prodigal, or wasteful, saw himself as a servant, even as a slave,¹¹⁸ even though his

109 *Id.* at 42-43.

110 *See Matthew* 7:3.

111 *See Acts* 9:1-20.

112 ST. JOHN OF THE CROSS, *COUNSELS TO A RELIGIOUS* 2 (1991), <https://westminsterabbey.ca/wp-content/uploads/2018/07/Counsels-to-a-Religious.pdf>.

113 Andrew Bauld, *How Students’ Motivations for Attending Law School Have Changed*, U.S. NEWS (Sept. 13, 2023), <https://www.usnews.com/education/best-graduate-schools/top-law-law-schools/applying/articles/how-students-motivations-for-attending-law-school-have-changed>. Law School Admissions Counsel survey of 2022 matriculants finding “almost 70% of respondents reported social justice, helping others or uplifting their community as the main drivers for them to attend law school.”

114 *Matthew* 5:48 (Jesus instructing, “You, therefore, must be perfect, as your heavenly Father is perfect”).

115 In Jesus’s exhortation, “You, therefore, must be perfect, as your heavenly Father is perfect,” the word “perfect” is translated from the Greek word “teleios,” meaning “whole.” Dr. John Bechtle, *Teleios: The Impossible Demand?: Greek Word of the Week*, EZRA PROJECT (Jan. 22, 2022), <https://ezraproject.com/teleios-the-impossible-demand/>.

116 Jon Maxim, *Finding the Angel in the Marble*, THE MAXIM (July 2019), <https://themaxim.com/find-the-angel-in-the-marble/>.

117 *Put First Things First—Part 2*, JOYCE MEYER (June 25, 2025), <https://joycemeyer.org/Shows?episodeId=%7B9BD8507A-3B70-4E45-8614-12C9F1C1579B%7D&srsId=AfmBOOpZdV8hOaH4ZkHOjF1bFPwJYW26igFno6l3OivUVCYqXXqGoB3T>.

118 *Luke* 15:29.

father always saw him as a “son.”¹¹⁹ In fact, in the parable’s climactic moment, this son rebuked his father for the son’s servitude and then went on to rebuke his father for the inadequacy of the son’s compensation.¹²⁰ So convicted was this son in that moment of his need to heal the father and the farm through his insights and service that he could not see his own need for healing and for chiseling.¹²¹ He could not see how much he needed to be open to the hand of love that surrounded Him.

When Jesus was asked to “teach us to pray,” Jesus instructed that our prayer must begin not with “our Lord” nor “our master,” but with “Our Father.”¹²² His will was never that we should be servants but that we should call Him “Father” and be His child. If, in that moment when we will meet Him face to face,¹²³ we attempt to remind Him that we, like the older brother, have borne the weight of servants, He will correct us and insist that we have missed the point: He did not create us to be servants, mere hired hands, but that He might know us, and we might, in response, know, love, and, in consequence, choose to serve Him.¹²⁴ He who made everything from nothing did not need slaves to work His garden, but He does thirst to have His children share out of love the tending of the family farm.¹²⁵

In *The Voyage of the Dawn Treader*, C.S. Lewis describes how the child adventurer Eu-

stage Scrubb for some time does not recognize his own dragon-like tendencies. When, however, Eustace finally does recognize them, as a result literally of becoming a dragon, he comes to understand that these tendencies have made him “a monster cut off from the whole human race.”¹²⁶ Ultimately, Eustace comes to abhor these tendencies,¹²⁷ although they occasionally do serve him, and even others, well.¹²⁸

At the same time, however, Eustace also realizes he is helpless to shed these tendencies on his own.¹²⁹ Eustace’s only recourse is to let God “undress” him, to tear his dragon skin off him.¹³⁰ As Eustace describes this process of being undressed, one cannot help but notice that God’s undressing sounds strikingly close to being chiseled:

The very first tear he made was so deep that I thought it had gone right into my heart. And when he began pulling the skin off, it hurt worse than anything I’ve ever felt. The only thing that made me able to bear it was just the pleasure of feeling the stuff peeled off.¹³¹

Most on the Christian journey would, like Eustace, benefit from some undressing. Indeed, it is the rare Christian voyager who does not have fears, hurts, wounds, resentments, and prides that cling to him and need to be chiseled off by God. In fact, when Jesus invited the faithful around him to “cast the first stone,” but only if they were “without

119 Luke 15:31 (father addressing the son as “son”).

120 Luke 15:29 (the son saying to his father, “Lo, these many years I have served you, and I never disobeyed your command; yet you never gave me a kid, that I might make merry with my friends.”).

121 See *supra* text accompanying notes 104-07.

122 Matthew 6:9 (opening of the Lord’s Prayer).

123 1 Corinthians 13:12 (“For now we see in a mirror dimly, but then face to face.”).

124 Matthew 7:22-23 (Jesus warning, “On that day many will say to me, ‘Lord, Lord, did we not prophesy in your name, and cast out demons in your name, and do many mighty works in your name?’ And then will I declare to them, ‘I never knew you; depart from me, you evildoers.’”); see also III. *Christian Beatitude*: No. 1721, THE HOLY SEE, https://www.vatican.va/content/catechism/en/part_three/section_one/chapter_one/article_2/iii_christian_beatitude.html (last visited July 25, 2025) (“God put us on this earth to know, to love and to serve him and so to come to paradise.”); GODSPELL, *Day by Day, on Godspell* (Bell Records 1973) (“Day by day, Oh Dear Lord, Three things I pray: To see thee more clearly, Love thee more dearly, Follow thee more nearly.”).

125 Genesis 2:15 (“The Lord God took the man and put him in the garden of Eden to till it and keep it.”).

126 C.S. LEWIS, *VOYAGE OF THE DAWN TREADER* 92 (Scholastic 1992).

127 *Id.*

128 *Id.*

129 *Id.* at 108.

130 *Id.*

131 *Id.* at 109.

sin,”¹³² all who heard Him put down their rocks.¹³³ Yet, until we can see this need for healing, this need to be chiseled, we cannot be transformed into the person God created us to be, and in that case, we “will never be happy.”¹³⁴

The Gospels are filled with lawyers who cannot see the need to be chiseled themselves.¹³⁵ These blind lawyers came to Jesus to see miracles; yet, they always seemed to just miss the ones Jesus was performing.¹³⁶ They were there when Jesus said, “Get up and walk,”¹³⁷ “Pick up your mat,”¹³⁸ and “Stretch out your hand.”¹³⁹ They, however, saw no miracles. They did see blasphemies. They saw violations of the law, violations of the Sabbath. They saw sinners and tax collectors, but they saw no brokenness healed, no hunger fed, no life restored.¹⁴⁰ They were unable to see a single miracle.

Theirs was a funny blindness. They could see the law but not the people the law governed: the man with the withered hand, the lame, the blind, the hungry, the grieving. Everyone else was bringing the broken to Jesus, and He healed them. Had these blind lawyers no broken to bring Jesus even so that their own curiosity

might have been satisfied? Certainly, these blind lawyers managed to find sinners for Jesus to condemn.¹⁴¹

Jesus warned, when “the light in you is darkness, how great is the darkness!”¹⁴² Pilate was a judge who wanted to know truth, but Pilate could not recognize the Truth personified even when it stood before him¹⁴³ and his wife pointed it out to him.¹⁴⁴ Pilate was by no means unique. The blind lawyers of the Gospels were lawyers who were doing law even as they challenged and disparaged the ultimate giver of law.¹⁴⁵ “Show us a miracle,” they would insist.¹⁴⁶ How easy it would have been to take these lawyers up the mountain to show them Moses and Elijah,¹⁴⁷ but how hard it would have been for these lawyers to recognize them.

In the midst of our daily tsunamis, might I pray to see my brother’s angel and might I pray to see my own angel yearning to be set free.

A Lawyer Chiseled and a Lawyer Lifted Up

In the Gospels, two lawyers came to Jesus to ask two very different questions for very different reasons.¹⁴⁸ They each left, however, with

132 John 8:7 (GNV).

133 John 8:9.

134 AIP SPEAKER SERIES, *Father John Riccardo on March 6, 2025 - AIP Speaker Series*, at 10:34 (YouTube, Mar. 6, 2025), <https://www.youtube.com/watch?v=LEXDnp9IPQ> (God insisting, “Until you know my dreams for your life, you will never be happy.”).

135 See, e.g., Luke 11:52 (Jesus addressing the lawyers in His midst, “Woe to you lawyers! for you have taken away the key of knowledge; you did not enter yourselves, and you hindered those who were entering.”).

136 Mark 7:8 (Jesus healing the daughter of the Syrophenician woman, healing the man who was deaf, feeding the 4000, being asked by the Pharisees for “a sign from Heaven” but going away, and then restoring the sight of the blind man in Bethsaida).

137 See John 5:8.

138 *Id.*

139 Mark 3:1-6.

140 See also A LATE QUARTET (Opening Night Productions 2012).

141 See John 8:1-11.

142 Matthew 6:23.

143 John 18:38 (“Pilate said to him, ‘What is truth?’”).

144 Matthew 27:19 (“Besides, while he was sitting on the judgment seat, his wife sent word to him, ‘Have nothing to do with that righteous man, for I have suffered much over him today in a dream.’”).

145 See, e.g., John 5:16 (ESV) (speaking of Jesus, the leaders of the Temple saying, “This man is not from God, for he does not keep the sabbath.”).

146 See, e.g., Mark 8:11 (“The Pharisees came and began to argue with him, seeking from him a sign from heaven, to test him.”).

147 See, e.g., Matthew 17:1-3 (“And after six days Jesus took with him Peter and James and John his brother, and led them up on a high mountain apart. And he was transfigured before them, and his face shone like the sun, and his garments became white as light. And behold, there appeared to them Moses and Eli’jah, talking with him.”).

148 See Mark 12:28; Luke 10:25.

the same answer: “[Y]ou shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.’ The second is this, ‘You shall love your neighbor as yourself.’ There is no other commandment greater than these.”¹⁴⁹

The first of these lawyers came to Jesus to “test” Jesus and to “justify himself.”¹⁵⁰ To do so, the lawyer asked first, “Teacher, what shall I do to inherit eternal life?”¹⁵¹—a question not designed to enlighten the lawyer on the law, nor to foster the lawyer’s love, nor even to facilitate the lawyer’s obedience. It was a question designed to guarantee the lawyer receive, like the prodigal son’s older brother, that to which he was due.¹⁵²

Jesus responded to this lawyer not with answers but with questions of Jesus’s own. No doubt this was so because sometimes our answers are to be found in God’s questions. Jesus asked the lawyer, “What is written in the law? How do you read it?”¹⁵³

It was then left to the lawyer to answer his own question, to which he replied, “You shall love the Lord your God with all your heart, and with all your soul, and with all your strength, and with all your mind; and your neighbor as yourself.”¹⁵⁴

No sooner had Jesus affirmed the correctness of this response than the lawyer asked a second question, “And who is my neighbor?”¹⁵⁵

We are told that the lawyer asked this question to justify himself.¹⁵⁶ Necessarily then, the lawyer asked it also to justify the lawyer’s vision of the world. To ask such a question is to see a world that is to be divided, seemingly like our own, at least divided between those who are neighbors and those who are not. Yet, such a

world also makes so many other divisions possible: Jew and Gentile, slave and free, and male and female,¹⁵⁷ sinless and sinner,¹⁵⁸ children of God and “scum.”¹⁵⁹

Jesus responded to this question with two parables. The first of these was explicit in nature and became widely known as the Parable of the Good Samaritan:

A man was going down from Jerusalem to Jericho, and he fell among robbers, who stripped him and beat him, and departed, leaving him half dead. Now by chance a priest was going down that road; and when he saw him he passed by on the other side. So likewise a Levite, when he came to the place and saw him, passed by on the other side. But a Samaritan, as he journeyed, came to where he was; and when he saw him, he had compassion, and went to him and bound up his wounds, pouring on oil and wine; then he set him on his own beast and brought him to an inn, and took care of him. And the next day he took out two denarii and gave them to the innkeeper, saying, “Take care of him; and whatever more you spend, I will repay you when I come back.”¹⁶⁰

This parable was widely understood to invite the erasure of division and the expansion of our call to mission.

The second parable became less widely known. This parable was merely implicit in the first and easily missed. For the few who know it, it might be known as the Parable of the Three Blind Men.

149 Mark 12:30-31.

150 Luke 10:25, 29.

151 Luke 10:25.

152 See Luke 10:26.

153 *Id.*

154 Luke 10:27.

155 Luke 10:29.

156 *Id.*

157 See *supra* text accompanying note 100.

158 See *Matthew* 9:9-11.

159 See *supra* text accompanying note 60.

160 Luke 10:30-35.

In this parable, three blind men were traveling separately on the Road to Jericho.¹⁶¹ As each traveled on that road, each encountered Jesus¹⁶² lying by the road, robbed, naked, beaten, and half dead.¹⁶³ The first two men, blind as they were, did not see Jesus, even though one was a priest¹⁶⁴ and the other a Levite,¹⁶⁵ and, thus, they “passed by [Him] on the other side.”¹⁶⁶

When, however, the third blind man, a Samaritan,¹⁶⁷ came upon Jesus, this man’s heart was wrenched open,¹⁶⁸ and this man, suddenly no longer blind, saw Jesus and “took pity on him.”¹⁶⁹ This formerly blind man “went to [Jesus] and bound up his wounds, pouring on oil and wine.”¹⁷⁰

As the formerly blind man put Jesus on the man’s own donkey to bring Jesus “to an inn” where the man might care further for Jesus,¹⁷¹

the man asked Jesus, “Rabboni,¹⁷² how art thou so wounded?”

Jesus replied to the man, “I embraced these wounds because it was only through them that your heart could be so broken and it was only through the breaking of your heart that your sight could be restored.”¹⁷³

While the first and explicit parable was a parable of mission, the second was a parable of transformation and healing. Confronted with this second parable, the first lawyer too regained his sight and found himself able to recognize his neighbor.¹⁷⁴

The second of these lawyers was not so bold as the first.¹⁷⁵ He knew his to be a life that needed answers, and he came to Jesus because he had heard Jesus answer others, even the select and clever,¹⁷⁶ “well.”¹⁷⁷

161 See *id.*

162 See Matthew 25:40 (indicating a tie between the wounded man and Jesus because, as the King one day “will answer them, ‘Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me’”).

163 Luke 10:30.

164 Luke 10:31.

165 Luke 10:32.

166 Luke 10:31-32.

167 Luke 10:33.

168 See Randy Lee, *Love in the Disabilities Paradigm: A Normal Person’s Need for Healing*, 40 *TOURO L. REV.* 697, 710-11 (2025) (translating the Greek “*splagchnizomai*” as “a visceral, gut-wrenching, emotional response that is so strong that we are physically moved to action,” rather than as “felt compassion”).

169 Luke 10:33 (NLT).

170 Luke 10:34; see also *supra* note 163 (indicating connection to Jesus).

171 Luke 10:34.

172 Cf. John 20:16 (Mary Magdalene addressing the risen Christ in wonder).

173 See *The Selfish Giant* by Oscar Wilde, OSCAR WILDE ONLINE, <https://www.wilde-online.info/the-selfish-giant-page3.html> (last visited July 26, 2025):

Downstairs ran the Giant in great joy, and out into the garden. He hastened across the grass, and came near to the child. And when he came quite close his face grew red with anger, and he said, “Who hath dared to wound thee?” For on the palms of the child’s hands were the prints of two nails, and the prints of two nails were on the little feet. “Who hath dared to wound thee?” cried the Giant; “tell me, that I may take my big sword and slay him.”

“Nay!” answered the child; “but these are the wounds of Love.”

For a stunning animated portrayal of the story, see RICKY CALLAN, *The Selfish Giant* (1971) (YouTube, Feb. 13, 2013), <https://www.youtube.com/watch?v=8jtLTS7T8cc>.

174 See Luke 10:37.

175 Mark 12:28-34. For a dramatization of this chapter of Mark’s Gospel reflecting this perception of the lawyer, see FELLOWSHIP FOR PERFORMING ARTS, *The Gospel of Mark Chapter 12*, (YouTube, Sept. 6, 2012), <https://www.youtube.com/watch?v=KoOVa7UTNQ8>. For Max McLean’s complete performance of the entire *Gospel of Mark*, see VISION VIDEO, *Mark’s Gospel: On Stage with Max McLean - Full Movie | Max McLean* (YouTube, Nov. 16, 2020), <https://www.youtube.com/watch?v=rVFQfPTJPq8>.

176 See Mark 12:13, 18.

177 Mark 12:28.

We know little else about the lawyer, but if modern times are any indication, one might have referred to this lawyer as meek,¹⁷⁸ a lawyer humbled by all he could not do for his clients, a lawyer poor in spirit.¹⁷⁹ The years may well have left this lawyer hungry and thirsty for righteousness sake.¹⁸⁰ Perhaps, this lawyer longed for a more merciful world,¹⁸¹ a world where God might be more easily seen,¹⁸² a world where the work of the peacemakers was truly blessed.¹⁸³ Perhaps, this lawyer mourned for clients and cases that had come and gone.¹⁸⁴

If the blessed were those whom men reviled, persecuted, and uttered all forms of evil against falsely simply because they had chosen to stand with God, then surely this lawyer was blessed.¹⁸⁵ Indeed, if it were those who stood between the strong and the persecuted who were blessed, then surely, again this second lawyer was to be counted amongst those blessed.¹⁸⁶

Humbled, chiseled, though he had been, this lawyer remained obedient to the Lord. Overwhelmed as the Law had left him, this lawyer sought clarity in his mission. Thus, this lawyer asked Jesus, "Of all the commandments, which is the most important?"¹⁸⁷ Jesus answered,

The first is, "Hear, O Israel: The Lord our God, the Lord is one, and you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your

strength." The second is this, "You shall love your neighbor as yourself." There is no other commandment greater than these.¹⁸⁸

Affirmed by Jesus's answer, the lawyer himself replied, "Well said, teacher," and then, "You are right in saying that God is one and there is no other but him. To love him with all your heart, with all your understanding and with all your strength, and to love your neighbor as yourself is more important than all burnt offerings and sacrifices."¹⁸⁹

Seeing this lawyer's heart and seeing all that he had come through, all that he was, and all that he still hoped to be,¹⁹⁰ "Jesus saw that he had answered wisely," and, thus, said to the lawyer, "You are not far from the kingdom of God."¹⁹¹

Many that day heard Jesus say to the lawyer in those words, "You're almost right." The man, however, heard Jesus say to him, "Well done, my good and faithful servant"¹⁹² and "You are almost home."¹⁹³

For the lawyer who thought himself wise, his answers came in the form of questions because from the lips of Christ even questions can be answers. For the lawyer who thought himself broken, his answers came in the form of affirmations, for the Lord knows even the faithful need to hear His encouragement. In such encouragement, both transformation and mission can be born.

178 See Matthew 5:5.

179 See Matthew 5:3.

180 See Matthew 5:6.

181 See Matthew 5:7.

182 See Matthew 5:8 ("Blessed are the pure in heart, for they shall see God").

183 See Matthew 5:9.

184 See Matthew 5:4.

185 See Matthew 5:11.

186 See Matthew 5:10. For an example, see Lee, *Dorothy Day and Innovative Social Justice*, *supra* note 22.

187 Mark 12:28 (NASB).

188 Mark 12:29-31.

189 Mark 12:32-33 (NIV).

190 See BIGTIME – FREE MOVIES, *St. John in Exile* | DEAN JONES | Drama Movie | Bible Story, at 21:26-21:49 (YouTube, June 15, 2021), <https://www.youtube.com/watch?v=oQwYP21Y1u0> ("But when [Jesus] spoke with someone, when He talked with you, beloved, Jesus knew your needs, your heartaches, and your dearest dreams. And from that day forward, you were never the same.").

191 Mark 12:34.

192 Matthew 25:23 (NLT).

193 See *infra* text accompanying notes 203-18.

Rich Mullins, Missionaries, and Making One's Way Home

Rich Mullins was not a lawyer, nor was he a theologian, a scholar, a theology professor, a priest, a pastor, nor a clergy member of any kind. Except for a brief period during high school when Rich was trying to find an excuse not to dig trees on the farm, Rich would never have claimed to be a prophet.¹⁹⁴ Rich described himself simply as a Christian musician.¹⁹⁵ Rich might also have described himself as a Christian author or poet, but he never did. Rich saw himself as writing “pop music,” which Rich considered “very disposable.”¹⁹⁶

Rich could have lived the lifestyle of the rich and famous; he chose, however, to live on the annual wage of the average working man in America and give the rest away.¹⁹⁷ Rich could have lived in a mansion in Nashville, but he lived in, depending on whom one asks or when one is asking about, either a trailer or a hogan on a Navajo reservation.¹⁹⁸ When Rich decided he wanted to teach music to poor kids, although by then

he had already been nominated for ten Dove Awards including five for “Song of the Year,” he went back to college, got his degree in music education, and did his required time marching in the marching band.¹⁹⁹ Rich “did not need a teaching license to teach on the reservation, but he wanted to learn how to teach music well so he could give the best to the students there.”²⁰⁰ In addition to teaching music, Rich taught conversational English in a South Korean seminary and farming to Chinese refugees in Thailand.²⁰¹ Rich also dug septic tanks in Thailand.²⁰² Undeniably, Rich knew little about being a lawyer, but he had much to offer on the subject of being Christian.²⁰³

Rich Mullins once told the story of a missionary from Joplin, Missouri, named Mr. Morris, who was called back to the United States after 20 years of ministering to the hill tribes of Burma.²⁰⁴ Mr. Morris’s journey began on a ship to San Francisco, then continued by train to Saint Louis. The train ride was followed by a bus trip to Joplin, after which Mr. Morris picked up

194 See RAGAMUFFIN ARCHIVE, *Rich Mullins - The Other Side Of The World (Live, 1992)*, at 0:49-1:22 (YouTube, Dec. 30, 2014), <https://www.youtube.com/watch?v=-c3QvAiyhHE> (“I spent a good deal of my junior high and high school years planting and transplanting trees, which I thought was miserable, especially considering how at the time I was convinced that I was a prophet.”).

195 For a discussion of the possible similarities between the vocations of Christian musicians and Christian lawyers, see Lee, *Can a Christian Be a Lawyer or Can Both God and Jackson Browne Be Right*, *supra* note 2, at 1045-47.

196 *20 the Countdown Magazine Remembers Rich Mullins*, KIDBROTHERS.NET (Nov. 18, 1997), <https://www.kidbrothers.net/rmml/rmml189.html>.

197 See RAGAMUFFIN ARCHIVE, *Homeless Man: The Restless Heart of Rich Mullins (Documentary, 1998)*, at 15:19-16:16 (YouTube, Jan. 16, 2022), <https://www.youtube.com/watch?v=4mDAff2MzLU> (comments of Rich’s producer Reed Arvin).

198 *Id.* at 14:11-14:33. (Eric Hauk observing about Rich Mullins, “He could have had a mansion with all the stuff that he did and yet he chose to live in a trailer home in New Mexico. He coulda had nice clothes and costumes and all that, and he wore jeans and a T-shirt. He lived on the level of that which the people of this country live.”) A hogan is a traditional dwelling of the Navajo people with the door facing east to welcome the rising sun. See *Navajo Homes—Hogans*, NAVAJO PEOPLE, <https://navajopeople.org/blog/navajo-homes-hogans/> (last visited July 26, 2025).

199 Jayson Boyett, *Rich Mullins: The College Years*, BELIEFNET: O ME OF LITTLE FAITH (Oct. 2009), <https://www.beliefnet.com/columnists/omeoflittlefaith/2009/10/rich-mullins-the-college-years.html> (recalling that Rich played the French horn and temporarily had to leave school because his touring obligations were getting in the way of his weekend marching band obligation).

200 *Id.*

201 See *Timeline 1987*, AUDIORI.NET, <https://www.audiori.net/richmullins/timeline1987.html> (last visited July 10, 2025).

202 *Id.*

203 See, e.g., Mullins, *supra* note 10 (insisting about his faith that “I did not make it, no, it is making me); see also SAINT HELENA CATHOLIC CHURCH, *supra* note 10, at 2:42 (discussing the decision of Catholic actor Neal McDonough to be fired from a television series rather than do a love scene and McDonough’s subsequent explanation, “I’m not an actor; I’m a Catholic actor. I’m not just a husband; I’m a Catholic husband. I’m not just a man; I’m a Catholic man, and it’s against my teachings, it’s against my faith, it’s against my wife, and it’s against my vow, and it’s against my children.”).

204 SEMONINDEX.NET, *You’re Not Home Yet by Rich Mullins* (YouTube, Dec. 10, 2021) <https://www.youtube.com/watch?v=UmTINGWELKU>.

his bags and carried them in the dark of night through the streets of Joplin first to his home church and then the “two or three miles” to his home.²⁰⁵

At each stop along the way, Mr. Morris expected he would be greeted by excited friends and family eager to welcome him home. Instead, Mr. Morris found at each stop that there was no one there to receive him.²⁰⁶ It is true, that when his ship docked in San Francisco, the dock was packed with people waving flags and “hootin’ and hollerin’.”²⁰⁷ It turned out, however, that the President of the United States was on the same ship returning from safari, and the excited mass had turned out exclusively for him.²⁰⁸

Compounding the disappointment Mr. Morris must have felt along the way, for much of the trip home, Mr. Morris found himself in the company of an anthropologist who insisted on continually sharing with Mr. Morris that Mr. Morris had “wasted his life on people who didn’t want” him and was now returning to a family and friends who most certainly had “forgotten” him and his faith.²⁰⁹

For as long as he was able, Mr. Morris attempted to fend off the anthropologist’s critique by saying that that assessment would be proven wrong as soon as Mr. Morris arrived “home.” As Mr. Morris, however, was forced to redefine “home,” first from the shores of his country to the borders of his state, then to the center of his city, then to the steps of his church, and, ultimately, to the porch of his house, it

became harder and harder for Mr. Morris to resist the conclusion that the anthropologist was right. Finally, as Mr. Morris sat alone in the night on the steps of his locked and empty home, Mr. Morris was left to pray, “Oh, God, the anthropologist was right. . . . [T]hey have forgotten me all together.”²¹⁰

We can all make mistakes, and Rich made more than his fair share in his telling of this story. The missionary in Burma of whom Rich was thinking was probably not a “Mr. Morris” but a missionary in Asia named Russell Morse.²¹¹ Russell Morse is still not even the missionary the story is actually about. The story is actually about a missionary named Henry Morrison.²¹²

The real Henry Morrison served as an overseas missionary for 40 years, not 20.²¹³ He traveled home not from Asia but from Africa.²¹⁴ This “Mr. Morrison” traveled with his wife and not an anthropologist,²¹⁵ and the couple arrived in New York rather than San Francisco.²¹⁶ There was no train trip, no bus trip, no walk to church, no walk to his home—only a cab ride to a “one bedroom apartment which had been provided by the mission board.”²¹⁷

Leave it at that we could, but that would be to focus on the missteps and dismiss the miracle, and such blindness never serves one well. For all his mistakes, Rich was right about all the details that matter.

After 40 years ministering far from his home, Henry Morrison did find no one waiting for him at the harbor when he washed up back

205 *Id.*

206 *Id.*

207 *Id.*

208 *Id.*

209 *Id.*

210 SEMONINDEX.NET, *You’re Not Home Yet by Rich Mullins*, at 4:29-4:55 (YouTube, Dec. 10, 2021) <https://www.youtube.com/watch?v=UmTINGWELKU>.

211 See *History of the Mission*, NORTH BURMA CHRISTIAN MISSION, <https://www.northburmachristianmission.org/history-of-the-mission.html> (last visited July 10, 2025) (describing the missionary work of J. Russell and Gertrude Morse in Asia beginning in 1921).

212 See *The Missionary’s Return*, AD DEI GLORIAM MINISTRIES (July 2007), <https://www.addeiglioriam.org/stories/morrison.htm>.

213 *Id.*

214 *Id.*

215 *Id.*

216 *Id.*

217 *Id.*

on his native shore, only the throngs cheering for the President.²¹⁸ Thus, Rich was right when he maintained that we live in a world where presidents home from safari are greeted with greater fanfare than children returning home from a life's work in their Father's garden. Rich was also right that we live in a world where even the most faithful can grow depressed and disillusioned and where even the most loving can feel themselves unloved.²¹⁹

Rich was even right when he concluded the story by adding that as the missionary sat by himself trying to understand his life and his God, there was a prayer that emanated from Mr. Morrison into what he feared might be darkness, a heartfelt plea to what he wanted to believe was a father.²²⁰ Finally, Rich was right that there was, indeed, a response from that Father.²²¹ As Rich concluded the story, when the missionary humbly, in his brokenness, called out to his Father, the missionary distinctly heard his Father call to His son by name and say, "You are not home yet,"²²² and that could not be more true.

One might well ask whether any lawyer would have allowed such mistakes to slip into a story he was sharing. Perhaps, however, the more pressing question is whether a lawyer who called himself "Christian" would have seen the story and stopped for it, lifted it up, and taken the story with him.²²³ Would such a lawyer have allowed the story to chisel itself into the lawyer's life?²²⁴ Having heard the story, would such a lawyer have shared the story with others?²²⁵

A Conclusion and a Collision of Love and Miracle

In *The Servant Lawyer*,²²⁶ Robert Cochran shares the story of Sidney Cutchin to help illuminate the life of a Christian lawyer and invite us to turn over in our minds our own stories, to see them from a multitude of angles, and to ponder what they offer to chisel us, set us free, and light the way for others.²²⁷ As I reflect upon that invitation, I find I have, at least, stories that have been gifted to me by others.

One of my former students once represented a girl who was in the child welfare system. He and the girl actually met in a courtroom at a hearing. As the girl described it, she was sitting alone at the table, trying to preserve "a bullet-proof façade."²²⁸ She wanted everyone in the room to think she did not care about what was going on because she had learned when people know you care, they know they can hurt you.

The hearing was supposed to be a hearing about the girl, her future, but, from the girl's perspective, all the adults in the room kept talking about was the girl's mom and her addiction, the mom's failure to follow through with the system's "family plan," the mom's impending prison sentence, and the mom's inability to stay off drugs.²²⁹

At some point, the girl heard the judge say something like, "I guess she should have a lawyer," and then, "Can you check in the hall and see who's around?"²³⁰

The girl saw a guard leave through the doors and go out in the hall, and shortly thereafter, the

218 *The Missionary's Return*, AD DEI GLORIAM MINISTRIES (July 2007), <https://www.addeigloriam.org/stories/morrison.htm>.

219 See *id.* (describing how following the event, Henry Morrison found himself unable "to put the incident behind him" and "sinking deeper into depression").

220 *Id.*

221 See *id.*

222 *Id.*

223 See *supra* text accompanying notes 162-74.

224 See *supra* text accompanying notes 116-34.

225 See *supra* text accompanying notes 169-71.

226 COCHRAN, *supra* note 3, at 8-10, 19-20, 219-21.

227 See *supra* text accompanying notes 116-34.

228 *Student Paper on a Lawyer I Admire* (Nov. 2019) (essay on file with the author).

229 *Id.*

230 Interview with student subject (Jan. 2020) (notes on file with the author).

guard came back followed by a man in a suit. The man in the suit approached the bench, picked up what the girl knew to be her file, and began flipping through it even as the other adults continued talking.²³¹

Suddenly, however, the man in the suit said, "Excuse me, your honor, but I'm going to need a moment to speak with my client."²³² As the girl watched the responses of the other adults, it seemed to her that this must have been the most unexpected thing the man in the suit could have said, and as the girl put it, in that one sentence "the whole trajectory of my life changed."²³³ As the girl ultimately would describe my former student, "He gave me a platform to express my feelings, and he listened whole-heartedly, and he did not interrupt. He allowed me to feel all the emotions I was feeling and even express them without judgment."²³⁴

This, however, was not how the girl initially viewed my former student. Initially, she saw him as irrelevant. "Why," she insisted to herself, "do I need to listen to him?" All this stuff, her mom's sentence, the group home, the rules, the counseling, it was all going to go away. It was all going to dissipate. "My mom will get out. I will go back with her. We'll be together. We'll be a family again."²³⁵

The girl told a story about getting in a fight at school. The group home called the lawyer. He came over. The girl had 1,001 reasons why she didn't have to listen to my former student, or any other adult for that matter, tell her how to live her life. "You're not my mom," she explained. "You don't understand. You don't get it at all. You have no right to run my life."²³⁶

Finally, when the girl had exhausted all 1,001 reasons why she did not have to listen to him, to the people at school, to the people at the

group home, the girl said my former student had quietly asked her, "Has it ever occurred to you that all the consequences of your inappropriate behaviors always fall back on you?"²³⁷ The answers, which she chose at the time not to express, went something like this: "Well no, actually. Of course not. Why should that change anything?"

The girl continued to play out the role of the "strongest, toughest person in the room,"²³⁸ certainly not anyone who needed anything from any of them. Her mom got a parole date. Her mom was going to be getting out soon.

Then one day, my former student showed up at the group home. The girl did not even know what she had done this time, but she got a jump start on why it was not her fault, and it certainly was not any of his business anyway, and even if it were, she was almost out of there.²³⁹ And then my former student, her lawyer, did something he almost never did: he stopped her; he interrupted her, and then he told the girl, his client, that her mom had tested positive for drugs in the prison. Her mom had violated the terms of her parole even before her release and had lost her parole date. Her mom was not going to be released as expected.

After that, the two of them just sat together quietly until finally, her lawyer said to this girl, his client, "I have no idea what it's like to have a mother who's addicted to drugs."²⁴⁰

One of the staff at the group home had always been kind to the girl, and the girl began to talk, work, with her some, a bit more. In response to her conversations with the lawyer, the guy in the suit, the girl started participating in school, joined a sports team, checked in, focused on school work, began to think she wanted to go to college regardless of her circumstances. The girl took a leadership role in the group home, spent

231 *Id.*

232 *Student Paper on a Lawyer I Admire* (on file with the author).

233 *Id.*

234 *Id.*

235 *Id.*

236 Interview with student subject (Jan. 2020) (notes on file with the author).

237 *Student Paper on a Lawyer I Admire* (on file with the author).

238 *Id.*

239 *Id.*

240 *Id.*

time mentoring, helping the other girls, sharing what she was figuring out.²⁴¹

Then, one day, the girl called her lawyer, my former student, and he came over and met with her at the group home. The girl wanted to ask him for some help, a favor. Her mom was scheduled to get out again, and the girl was wondering if he could help her tell her mom that the girl had decided that she wanted to stay in the group home rather than transition back home.²⁴²

The girl loved her mom, missed her, wanted to be there for her, with her—her mom would always be her mom—but it was just the girl finally felt surrounded by good and supportive people, school was going well, and her life was moving in a right trajectory, and the girl needed to respect that. It's not just what they don't teach you in law school; it's what they don't even warn you may be asked of you.

I had another student a few years ago. First day of class, I remember calling on her and being immediately impressed. She struck me as really bright. Then, as I was talking with her after class, it struck me that she was also super-polite—so much so that I was thinking, “There must be something wrong here; it's like one of those sci-fi movies where the character turns out to be a robot or an alien or something.”

Fortunately, the student turned out to be human, did well in both semesters of torts. She took my professional responsibility class, where she had the highest grade in the class.

In my professional responsibility class, I have the students write a paper on a lawyer they admire. I figure after a semester of studying dysfunctional lawyers, the students should at least look at one lawyer who is admirable. This student had the highest grade on that paper as well.

When the new semester started, after those grades were released, this student and I were sitting in my office, talking about the course, how she did, and she said to me:

I am so glad you liked my paper. It was really hard for me to write. I kept trying to write it about all these famous

lawyers and judges and all their accomplishments. I figured that was what you wanted us to write about.

But when I tried writing about those famous lawyers, I would start and stop, start and stop, change lawyers, start again, and then I would just repeat the cycle.

Finally, I just said, “I really don't care what he wants me to write about. I just have to write about the person I have to write about,” because for me, writing about the lawyer I most admire means writing about the lawyer who saved my life.

So I just started writing:

Trying to preserve a bullet-proof façade, I wanted everyone in the room to think I didn't care about what was going on because I had learned that when people know you care, they know they can hurt you.²⁴³

In my life, I have all these law professor moments, and most of them are just unreal and unrealistic, but every so often I have a law professor moment that is surreal. These two incredible lives, these two miracles, intersecting in my office was a law professor moment that was surreal.

It has been said that sometimes even a faith-filled lawyer cannot see the miracle.²⁴⁴ What is the miracle in our line of work? Is it only that a kid in the system goes to college and then law school, or is it also that there are lawyers who see children, listen to children, when no one else does? Is it that there are lawyers who get up morning after morning after morning and go and encounter children in circumstances no child should ever have to imagine, and those lawyers do their best to usher those children to circumstances where the children might find a new life, one that might set free the angel within them?²⁴⁵ Is it that there are lawyers who know they are “licked before [they] begin but [they]

241 *Id.*

242 *Id.*

243 *See supra* text accompanying note 229.

244 *See supra* text accompanying notes 135-47.

245 *See supra* text accompanying notes 116-17.

begin anyway and [they] see it through no matter what”?²⁴⁶

As lawyers, we play a game that, on this side of the veil, “[y]ou rarely win, but sometimes you do,”²⁴⁷ and we try to remember that even when you don’t win, there is still the truth that the garden would grow less green if no one were there to bring God’s light to it.²⁴⁸

Author and evangelist Matthew Kelly was recently reflecting on what ultimately happened to the characters²⁴⁹ in the Parable of the Good Samaritan²⁵⁰ (or the three blind men).²⁵¹ Oddly enough, we never worry about what happened to the Good Samaritan, whether his business suffered because he was delayed along the road, whether his business grew, or whether his life turned out well. At some level, we know that the Good Samaritan’s life had a happy ending, and we think we know this because the Good Samaritan had learned to love.²⁵² After all, Jesus even assured us that the man had done what he needed to “do to inherit eternal life.”²⁵³

Furthermore, we suspect, perhaps even strongly so, that despite his injuries and losses, things worked out for the man who had been left robbed and beaten by the side of the road.²⁵⁴ After all, he had learned what it means to be loved.²⁵⁵

It escapes our imagination, however, what happened to the priest and the Levite,²⁵⁶ the first two of the three blind men.²⁵⁷ Perhaps, this is so because neither man knew love, and neither could recognize his neighbor.²⁵⁸ Even moles and children know that we are wired to aspire to kindness²⁵⁹ and to define “success” as love.²⁶⁰ Rich Mullins once urged an audience not so unlike ourselves:

So go out and live real good, and I
promise you’ll get beat up real bad.
But, in a little while after you’re dead,
you’ll be rotted away anyway. It’s not
gonna matter if you have a few scars. It
will matter if you didn’t live.²⁶¹

Rich chose to use the word “live” in “live real good.” He did not say, “love real good,” but if the two greatest commandments are to love God and to love neighbor,²⁶² then to “live real good” is to love.

So love real good, and not just the people who you want to see as “neighbors”²⁶³ but each person God places in your path. Love them even when they chisel at you because one never knows for what purpose a person has been placed upon one’s path. Sometimes, someone will be on that path for you to minister to them, but sometimes,

246 See *supra* text accompanying notes 85-88.

247 See *supra* text accompanying note 87.

248 Matthew 5:14-16 (Jesus exhorting His disciples, “You are the light of the world. A city set on a hill cannot be hid. Nor do men light a lamp and put it under a bushel, but on a stand, and it gives light to all in the house. Let your light so shine before men, that they may see your good works and give glory to your Father who is in heaven.”).

249 MATTHEW KELLY, *Be an Icon of Goodness - Radical & Relevant* – Matthew Kelly, at 2:10-2:38 (YouTube, July 13, 2025), <https://www.youtube.com/watch?v=xdLEmiebHlk>.

250 See *supra* text accompanying note 161.

251 See *supra* text accompanying notes 162-74.

252 See *supra* text accompanying notes 168-74.

253 See *supra* text accompanying notes 152-54.

254 See *supra* text accompanying notes 161-64.

255 1 John 4:19 (explaining that we learn to love from God and that “We love, because he first loved us.”).

256 See *supra* text accompanying note 161.

257 See *supra* text accompanying notes 162-66.

258 See *supra* text accompanying notes 161-66.

259 CHARLIE MACKESY, *THE BOY, THE MOLE, THE FOX AND THE HORSE* 5 (2019) (the mole asking the boy, “What do you want to be when you grow up?” and the boy responding, “Kind.”).

260 *Id.* at 7 (the boy asking the mole “What do you think success is?” and the mole responding, “To love.”).

261 Rich Mullins, *supra* note 21.

262 See *supra* text accompanying notes 188-92.

263 See *supra* text accompanying notes 156-60.

they will be there to minister to you. It may even be both, but on this side of the veil, we are unlikely to know which it is until well after we have passed these people by.²⁶⁴ Never be so blind or “unawares” that you miss the opportunity to “entertain[] angels.”²⁶⁵

Saint Mother Teresa of Calcutta lived her vow of poverty amongst “the poorest of the poor” in “wholehearted and free service” to them.²⁶⁶ Needless to say, given her vow, Mother Teresa owned neither pictures nor posters. Mother Teresa did, however, paint a poem on the wall of the small room in which she woke each morning.²⁶⁷ The poem was, for the most part, written by another,²⁶⁸ but the final verses Mother Teresa added herself:

Give the world the best you have, and it
may never be enough;

Give your best anyway.

You see, in the final analysis, it is be-
tween you and God;

It was never between you and them
anyway.²⁶⁹

264 See *supra* text accompanying notes 163-74.

265 *Hebrews* 13:2 (“Do not neglect to show hospitality to strangers, for thereby some have entertained angels unawares.”).

266 *Way of Life*, MISSIONARIES OF CHARITY, <https://missionariesofcharity.org/way-of-life-text.html> (last visited July 26, 2025).

267 *St. Teresa Of Calcutta (Mother Teresa): Do It Anyway*, PRAYER FOUND., <https://prayerfoundation.net/st-teresa-of-calcutta-mother-teresa-do-it-anyway/> (last visited July 26, 2025).

268 *Id.*

269 *Id.*

BANKRUPTCY AND THE BIBLE

by Robertson B. Cohen*

"Whoever is kind to the poor lends to the Lord" (Proverbs 19:17).

Introduction

Money represents power and the ability to acquire resources.¹ Hobbes points out that individuals are driven by self-preservation and the pursuit of power and resources to secure their future.² Money represents the tangible means for individuals to do this by subjugating objects, other people, nature, and all things to their will. It is of little surprise that the Apostle Paul notes that the love of money is the root of all kinds of evil.³ The importance of money and all that it embodies in relation to human nature cannot be understated. Because of this, when money is lost, humans feel this more than just on a monetary level but as something deeper. Societies over the ages have taken great steps to ensure that the fall-out from the loss of money is mitigated.

In the American legal system, debt and its default is addressed via the legal structure set

forth in the Bankruptcy Code.⁴ From 2000 to 2024, there were approximately 26 million bankruptcies filed, the majority of which were consumers.⁵ At its most basic level, bankruptcy is a legal mechanism that allows individuals or businesses who are unable to repay their outstanding liabilities to seek relief from some, or all, of their financial obligations. It is designed to provide the "honest but unfortunate debtor" a fresh start.⁶ Upon the completion of a bankruptcy, an injunction automatically arises, which prohibits creditors from taking any action to collect, recover, or enforce discharged debts.⁷

But what does the Bible say about debt relief? A great deal actually. There are roughly 2,300 verses that deal with money, wealth, possessions, and stewardship in the Bible.⁸ A significant portion of the 38 parables told by Jesus relate to money or possession.⁹ The Bible discusses stewardship,¹⁰ justice,¹¹ wealth and possession,¹²

* Mr. Cohen is a panel Chapter 7 trustee in the District of Colorado. He also represents business and consumer creditors and debtors in Colorado and Wyoming. He writes from a position of faith and strongly acknowledges the limits of his theological expertise. He does his very best to approach the practice of law as a committed Christian. He invites readers to consider his insights as part of a broader conversation.

1 "The tremendous importance of money for understanding the basic motives of life lies in the fact that money embodies and sublimates the practical relation of man to the objects of his will, his power and his impotence; one might say, paradoxically, that man is an indirect being." GEORG SIMMEL, *THE PHILOSOPHY OF MONEY* 211 (David Frisby ed., Tom Bottomore & David Frisby trans., 3d ed. 2004).

2 THOMAS HOBBS, *LEVIATHAN* 84 (Richard Tuck ed., Cambridge Univ. Press 1996) (1651).

3 *1 Timothy* 6:10. All Scripture references are to the ESV unless otherwise indicated.

4 See 11 U.S.C. § 101 *et seq.*

5 See *Bankruptcy Filings Statistics*, U.S. COURTS, <https://www.uscourts.gov/data-news/reports/statistical-reports/bankruptcy-filings-statistics> (last visited June 27, 2025).

6 See *Grogan v. Garner*, 498 U.S. 279, 286-87 (1991).

7 See 11 U.S.C. § 524(a).

8 See generally KEITH TONDEUR, *YOUR MONEY AND YOUR LIFE: LEARNING HOW TO HANDLE MONEY GOD'S WAY* (2010).

9 See *Matthew* 25:14-30; *Luke* 19:11-27; *Luke* 12:13-21; *Matthew* 18:21-35; *Matthew* 20:1-16; *Luke* 16:1-13; *Luke* 16:19-31; *Matthew* 13:44; *Matthew* 13:45-46; *Luke* 18:1-8; *Luke* 7:41-43; *Matthew* 25:1-13; *Luke* 15:8-10; *Luke* 17:7-10; *Luke* 15:11-32; *Matthew* 13:47-50.

10 *Psalms* 24:1 ("The earth is the Lord's, and everything in it." (NIV)); *Matthew* 25:14-30 (parable of the talents).

11 *Proverbs* 22:16 ("Whoever oppresses the poor to increase his own wealth . . . will only come to poverty."); *James* 5:4 (fair wages); *Leviticus* 19:35-36 (honest business practices).

12 *1 Timothy* 6:10 ("For the love of money is a root of all kinds of evils."); *Ecclesiastes* 5:10-15 (temporary nature of material riches).

generosity, and giving;¹³ and provides warnings about greed and corruption¹⁴ and most importantly—at least for this article—debt and default.

This article examines the extent to which the American system of insolvency via the Bankruptcy Code aligns with biblical principles. It explores whether bankruptcy has a foundation in Scripture and evaluates the biblical view of debt and its forgiveness. By comparing modern U.S. insolvency law with teachings from the Bible, this Article aims to offer insights into what bankruptcy means for Christians today.

Historical Context

Very little changed with insolvency systems over the millennia in which the Bible was drafted. Ancient insolvency, like the ancient world, was unforgiving and cruel.

The earliest known “bankruptcy” law was set forth in the Code of Hammurabi, in 1750 BC, which afforded the debtor the option of selling himself, his wife, or son into slavery for three years to satisfy the debt.¹⁵ While seemingly harsh, it was in reality quite generous in relation to other systems that usually involved death or slavery for life. The ancient Egyptians would whip the debtor 100 times and give the debtor a date to pay the debt, with failure to comply resulting in slavery or death.¹⁶ The ancient Hindus were afforded the opportunity to seize and maim the debtor, confine his wife and children, or simply take his property.¹⁷ The Roman system

included imprisonment, slavery, and death (afterwards dismemberment of the body and providing the pro-rata shares of the remains to the creditors).¹⁸

Even after the Bible was penned, humans carried on these harsh punishments. The Viking who could not pay would offer his nearest relative as collateral until the debtor could pay the balance due. The Viking creditor also had the power to estimate the value of the limbs of the “collateral” and could sever them off, beginning with the smallest, in proportion to the amount of the debt.¹⁹

In Medieval Europe, failure to pay debt was considered fraud, and the consequence was excommunication and the refusal of a religious burial.²⁰ Of course, most readers will be familiar with the infamous debtor’s prison, which at the time, was more humane even though debtors, often imprisoned for relatively small amounts, were crammed into overcrowded, unhygienic cells with other prisoners, including hardened criminals, without ability to work and repay their debts, thus creating a self-perpetuating cycle. Even the word “bankruptcy” comes from the Italian phrase *Banca Rotia* – a “broken bench,” which has echoes from the Bible.²¹

The reality was that insolvency carried on with its cruel themes until relatively recently with the passage of the Statute of Anne in 1705. The common thread in ancient insolvency is that debtors are to blame and non-repayment is criminal in nature. Laws like these inevitably led to a

13 2 Corinthians 9:6-7 (“God loves a cheerful giver.”).

14 Matthew 6:24 (“You cannot serve God and money.”); Colossians 3:5 (Greed is idolatry.).

15 *The Code of Hammurabi*, YALE L. SCH.: LILLIAN GOLDMAN L. LIBRARY, <https://avalon.law.yale.edu/ancient/hamframe.asp> (last visited June 27, 2025) (rule 117). Note, it is almost certain that the older agrarian societies of ancient Babylon had some form of insolvency system in place before Hammurabi, though no records of them have survived.

16 James August Becker, *Debt Structure in the West: Money and Gift, and the Influence on Community* (2011) (M.A. thesis, University of Montana) (ScholarWorks at University of Montana).

17 See generally Robertson Cohen, *History of Bankruptcy in Ancient Societies—Part 1*, 33 AM. BANKRUPTCY TRUSTEE J. 26-29 (Spring 2017); Robertson Cohen, *History of Bankruptcy in Ancient Societies—Part 2*, 33 AM. BANKRUPTCY TRUSTEE J. 34-37 (Summer 2017).

18 See ALLEN CHESTER JOHNSON ET AL., *ANCIENT ROMAN STATUTES: A TRANSLATION WITH INTRODUCTION, COMMENTARY, GLOSSARY, AND INDEX* 10 (2008); see also A. ARTHUR SCHILLER, *ROMAN LAW: MECHANISMS OF DEVELOPMENT* 208 (1978).

19 JEAN BRISSAUD, *A HISTORY OF FRENCH PRIVATE LAW: VOL. III* 565 n.1 (1912).

20 *Id.*

21 In medieval Europe, the money changer (also lender) would conduct business on a bench, which would be physically broken upon insolvency. Lenders have conducted business like this for a long time. Recall Jesus’ righteous anger against the corruption and misuses of the temple as a marketplace instead of a house of prayer. See *John* 2:13-16.

situation where debtors were trapped in a cycle of hopelessness and misery, making it nearly impossible for them to repay their debts and regain financial independence. These laws were counterproductive because they would prevent the repayment of the debt or any portion of the debt. Notwithstanding that society as a whole suffers by losing a potentially productive worker and taxpayer, even if prison or slavery was avoided, a debtor never escapes. There is no forgiveness.

The Bible, however, dictates a different result.²² Forgiveness is a central tenet of Christianity, and its treatment of debt is no different.

The Old Testament

Enshrining debt forgiveness into law has a biblical basis. Consider the Day of Sabbatical Year where every seventh year, as commanded in the Torah, the Israelites were commanded to forgive debts between each other.

At the end of every seven years you shall grant a release of debts. And this is the form of the release: Every creditor who has lent anything to his neighbor shall release it.²³

The adjacent text recognizes that there has always been and always will be the poor and even commands assistance to the less fortunate by means of a loan in the amount sufficient to cover the need, even if the year release may be approaching.

If there is among you a poor man of your brethren, within any of the gates in your land which the Lord your God is giving you, you shall not harden your heart nor shut your hand from your poor brother, but you shall open your hand wide to him and willingly lend him sufficient for his need, whatever he needs.

Beware lest there be a wicked thought in your heart, saying, "The seventh year, the year of release, is at hand,"

and your eye be evil against your poor brother and you give him nothing.²⁴

This does not mean that the Mosaic law and the Old Testament expressly permitted and approved of default. For example, if borrowed property is damaged or destroyed in the debtor's care, then the borrower must make full restitution.

And if a man borrows anything from his neighbor, and it becomes injured or dies, the owner of it not being with it, he shall surely make it good.²⁵

Oftentimes this passage is read independently of the context, with its modern application being that debts, a form of borrowed value, must be repaid in full; and, therefore, filing bankruptcy is unbiblical. In addition to expressly contradicting the Mosaic releases described above, it should be noted that this passage is particularly tailored for the less complex agrarian-based societies of the Old Testament versus the conditions of today.

Solomon, however, reconciles this by teaching that any moral obligation, including debt repayment, must be fulfilled when it is in the debtor's power to do so.

Do not withhold good from those to whom it is due,

When it is in the power of your hand to do so.

Do not say to your neighbor,

"Go, and come back,

And tomorrow I will give it,"

When you have it with you.²⁶

Forgiveness of debt, as a legal principle, is intentionally embedded within the biblical law of the Old Testament to serve as a means of preventing generational poverty, mitigating the cruelty demonstrated in other systems of the time, and ensuring societal cohesion. The Mosaic law recognizes the reality that there will always be poverty and that lending is required to assist the poor, and sets the expectation that one might not be paid back. It creates a legal framework for debt relief. The Bankruptcy Code is no different.

22 See Psalm 51:7-11; Matthew 6:14-15; 18:21-22; Luke 1:77; 17:3-4; 1 Corinthians 13:4.

23 Deuteronomy 15:1-2 (NKJV).

24 Deuteronomy 15:7-10 (NKJV).

25 Exodus 22:14.

26 Proverbs 3:27-28.

In fact, the Bankruptcy Code is actually more stringent. The discharge allowed under Chapter 7 bankruptcy—arguably the closest modern equivalent to the debt wipeout described in Deuteronomy—is granted once every eight years.²⁷ Notably, Chapter 7 is also the most commonly filed form of bankruptcy in the United States.²⁸ As will be discussed below, the bankruptcy discharge is also limited in nature and is not a complete elimination of debts.

Reflecting Solomon's counsel, the Bankruptcy Code incorporates provisions designed to ensure that debt relief is granted responsibly and not abused. For instance, before one is even eligible to file for bankruptcy, the debtor must complete credit counseling from an approved agency.²⁹ Once the case is filed, the Code also allows for dismissal if it was filed in bad faith.³⁰ Although "bad faith" is not explicitly defined, courts have interpreted it broadly to include conduct such as a filing from a debtor with a history of payment evasion, paying debts of insiders, transferring assets to a non-filing family member, failing to make lifestyle adjustments, making inaccurate financial disclosures, failing to keep accurate business records, and manipulating financial circumstances, among others.³¹

Additionally, to receive a discharge, the debtor must complete an instructional course in personal financial management.³² Not merely a procedural step but as a means of promoting

financial literacy to help the debtor understand budgeting, credit use, and responsible planning to reduce the likelihood of future insolvency.³³

In a very Solomonic fashion, the Code also goes further—to *split the baby*, if you will—by requiring some repayment in situations where a partial satisfaction can be made. The means test forces individual debtors into a repayment plan if their income is greater than the median income for the household size in the state where they reside.³⁴ The amount paid is determined by a mathematical formula where the payment is calculated by reducing the debtor's net income by a set of predefined allowable expenses for things like food, clothing, transportation, health insurance, etc.³⁵ The remaining "disposable income" is paid monthly for a period of at least three, and no more than five, years resulting in a partial and sometimes full repayment.³⁶

Through the use of Chapter 13 and Chapter 11 bankruptcies, debtors are required to repay a portion of their obligations if they have the "means" to do so, with the remaining balance discharged at the end of the plan. In reality, this is another example of the Code being more stringent than the Mosaic Law's complete forgiveness.

Bankruptcy Protects the Poor

The Bible consistently condemns oppression of the poor and calls upon Christians to care for and

27 See 11 U.S.C. § 727(a)(8).

28 See *December 2024 Quarterly Bankruptcy Filings*, U.S. COURTS, <https://www.uscourts.gov/data-news/reports/statistical-reports/bankruptcy-filing-statistics/december-2024-quarterly-bankruptcy-filings> (last visited June 27, 2025).

29 11 U.S.C. §109(h). The credit counseling requirement that was added in to the Code in the 2005 bankruptcy amendments is only for individual debtors and has come with mixed results. In reality, it is generally a wasteful exercise. The vast majority of individuals who file for bankruptcy have been bankrupt for some time prior to filing and don't require a third party to tell them what they already know. The post-filing safeguards built into the Code are adequate to prevent abuses.

30 11 U.S.C. § 707(a).

31 See, e.g., *In re Piazza*, 719 F.3d 1253 (11th Cir. 2013); *In re Woodburn*, No. 07-00927-5-ATS, 2008 WL 2777352 (Bankr. E.D.N.C. July 17, 2008); *In re Fiero*, No. 08-002870-8-ATS, 2008 WL 2045820 (Bankr. E.D.N.C. May 12, 2008); *In re Falch*, No. 10-19993-ELF, 450 B.R. 88 (Bankr. E.D. Pa. May 18, 2011).

32 11 U.S.C. §§ 727(a)(11), 1328(g)(1).

33 This requirement, similar to the first class a debtor must take to be eligible, is largely irrelevant for most debtors because bankruptcies are rarely caused by abusive spending, but rather a result of unpredictable financial shocks such as business failures, medical bills, and divorces. Many debtors, however, often comment that this second class does provide valuable insights and take the lessons to heart.

34 11 U.S.C. §707(b)(2).

35 11 U.S.C. § 1325(b).

36 11 U.S.C. § 1322(d).

support those in need.³⁷ The Bible does not envision a utopia where poverty is eradicated instantly (at least not here on Earth) and neither does bankruptcy. But both systems help structure society in a way that minimizes poverty.

One of the methods used to further this goal is the principle that people, especially the poor, should be afforded the ability to provide for themselves. Consider the Law of Gleaning which, as part of Israel's agricultural and social justice system, commanded landowners to leave behind part of their harvest so that the poor, orphans, and foreigners could gather food for themselves.

When you reap the harvest of your land, you shall not reap your field right up to its edge, neither shall you gather the gleanings after your harvest. And you shall not strip your vineyard bare, neither shall you gather the fallen grapes of your vineyard. You shall them for the poor and for the sojourner: I am the LORD your God.³⁸

Protecting the poor and breaking the cycle of generational poverty carries with it tremendous unforeseen value, so much so that it led directly to the birth of Christ. Recall that the law of gleaning preserved Ruth's life, leading to her redemption through Boaz, which set in motion the lineage that would produce David and, ultimately, Christ.³⁹ The birth of Christ is directly related to God's provisions for the poor.

The most obvious example of bankruptcy's support of this principle is the exemption process. In bankruptcy, all property becomes property of the bankruptcy estate subject to liquidation for

creditors, except for "exempt" property the bankrupt is allowed to retain to assist with the fresh start.⁴⁰ The specific category and amount of property which is kept by the debtor varies from state to state, but the universal principle is to allow a debtor to retain sufficient property to provide a foundation for life after bankruptcy.⁴¹ Moreover, providing for the retention of sufficient property after a bankruptcy averts destitution and hardship, allows a debtor to support and stabilize the home and family unit, and prevents debtors from burning the public purse by resorting to charity and welfare programs.⁴²

The Bible also goes to great lengths to protect the poor by repeatedly directing impartiality and fairness in the legal process.⁴³ Likewise, ensuring equality between rich and poor through fair legal systems are among the foundational purposes of the Bankruptcy Code. Most lawyers are familiar with the concept of being "outlitigated," which refers to the war of attrition where one party prevails, not necessarily because of a stronger legal position, but rather because they have far more resources. The better-financed party can afford to hire top-tier firms and costly experts and pay for discovery and filings that cannot be matched. They have the option to file multiple appeals to draw out the process until the other side is broken. If this were applied to creditors and debtors without the built-in bankruptcy protections, the results would be the same. Individuals in bankruptcy are *required* to be poor before a case can even be filed. Most debtors have obligations to multiple creditors whose combined resources dwarfs the debtor. Consider, for example, that the five largest banks in the United States had over

37 See, e.g., *Exodus* 22:22 ("You shall not afflict any widow or fatherless child."); *Deuteronomy* 24:14 ("You shall not oppress a hired servant who is poor and needy, whether one of your brethren or one of the aliens who is in your land within your gates."); *Job* 30:25 ("Have I not wept for him who was in trouble? Has not my soul grieved for the poor?"); see also *Psalms* 9:18; *Psalms* 12:5; *Galatians* 2:10; *Proverbs* 14:31; *Luke* 14:13.

38 *Leviticus* 19:9-10.

39 See *Ruth* 2.

40 11 U.S.C. § 542. This statement is a bit of an over-simplification of what is and what is not considered property of the bankruptcy estate. For purposes of this article, it will do.

41 See *In re Stimer*, No. 15-62152, 2016 Bankr. LEXIS 2659, at *3 (Bankr. N.D. Ohio July 20, 2016).

42 *In re Robinson*, No. 00-60938, 271 B.R. 437, 441-42 (Bankr. N.D.N.Y. June 27, 2001); see also *BANKRUPTCY EXEMPTION MANUAL 1* (West Pub. 2021 ed.) ("The history of exemptions in American bankruptcy law can be traced to English law, where the earliest exemption offered only the possibility that the debtor might keep necessary wearing apparel and a minimal amount of cash.").

43 See, e.g., *Exodus* 23:6 ("You shall not pervert the judgment of your poor in his dispute."); *Leviticus* 19:15 (NKJV) ("You shall do no injustice in judgment. You shall not be partial to the poor, nor honor the person of the mighty. In righteousness you shall judge your neighbor."); see also *Proverbs* 22:22; *Isaiah* 10:1-2; *James* 2:15-16; *Psalms* 82:3-4; *Proverbs* 31:9; *Deuteronomy* 10:18.

\$100 billion net income in 2024, and the median income for a household size of four in the state of Colorado is \$146,972.⁴⁴ An extraordinary disparity. It is tempting to use David and Goliath as a comparison here, but that would be giving David too much credit.

There are many examples within bankruptcy that support biblical principle of fairness to the poor in legal systems. The automatic stay in bankruptcy halts all collection activities, including lawsuits, wage garnishments, and home foreclosures, and provides breathing room to debtors.⁴⁵ There is fee shifting in discharge objections if the creditor lacked a basis and is seeking to merely overpower the debtor with superior resources.⁴⁶ Bankruptcy permits judgment lien removal on assets necessary to maintain a basic standard of living, such as a house and cars.⁴⁷ It allows for objecting to creditor claims and prevents allowance of claims if, for example, they are not properly documented, illegal, or usurious.⁴⁸ Bankruptcy builds in a “watchdog” of the system in the form of the U.S. Trustee to monitor the conduct of the parties and investigate both debtor and creditor abuses.⁴⁹ It provides predefined priority of distributions and pro-rata payments to all creditors equally.⁵⁰ The Code also allows avoidances of preferences where one creditor unfairly obtained assets prior to the filing.⁵¹ It even limits the often abused revival of time-barred debts by restricting the circumstances under which reaffirmation is allowed.⁵²

Ultimately, the Bankruptcy Code is designed in such a way as to give the poor as fair

a footing as possible with powerful creditors. Bankruptcy establishes a system that ensures creditors follow the same rules. It limits the race to judgment and brings all claims into one forum, to be overseen by a neutral judge, with the goal of efficiently resolving all debts in a predictable and established manner.⁵³

Of course, the largest equalization applied to debtors is the discharge of their financial obligations. The presumption in bankruptcy is that all debts are discharged unless they are specifically excluded. Debts that were honestly incurred but cannot be repaid, such as credit cards, medical bills, and accidents are automatically included in the bankruptcy discharge leaving less room for a creditor versus a debtor war of attrition.

Bankruptcy Is Not Without Limitation

Sometimes cited for the proposition that bankruptcy is anti-biblical are Paul’s calls for dissociation with those in the church who are guilty of immorality.⁵⁴ Likely a bit of a stretch to leap from concerns about various immoral acts of those in Corinth to non-repayment of debt, but the point of immoral acts being unchristian is a fair one.

Bankruptcy addresses this in part by placing limitations on the discharge; not all types of debt are included in a bankruptcy discharge. Addressing Paul’s concerns, a debtor cannot discharge debts that are based upon fraud, misrepresentation, theft, embezzlement, willful and malicious injury, child support, alimony, recent taxes and debts to governmental units (Caesar still gets his cut), unscheduled creditors, criminal restitution, and fines, among others.⁵⁵

44 DEP’T OF JUST., CENSUS BUREAU MEDIAN FAMILY INCOME BY FAMILY SIZE (2025) https://www.justice.gov/ust/eo/bapcpa/20250515/bci_data/median_income_table.htm.

45 11 U.S.C. § 362.

46 11 U.S.C. § 523(d).

47 11 U.S.C. § 522(f).

48 11 U.S.C. § 502.

49 In re Roberts, No. 21-20618-JAD, 659 B.R. 271, 285 n.10 (Bankr. W.D. Pa. 2024); see also In re Chapter 13 Plan Admin. in the Brownsville, Corpus Christi & McAllen Divs., No. 15-701, 2016 Bankr. LEXIS 1938, at *11 (Bankr. S.D. Tex. May 5, 2016). Bankruptcy Administrators, not the U.S. Trustee Program, oversee the administration of cases filed in Alabama and North Carolina.

50 11 U.S.C. §§ 507, 726.

51 11 U.S.C. § 547.

52 11 U.S.C. § 524(c).

53 In re USA Gymnastics, No. 18-09108-RLM-11, 2020 Bankr. LEXIS 1090, at *10-11 (Bankr. S.D. Ind. Apr. 20, 2020).

54 1 Corinthians 5:11.

55 11 U.S.C. §§ 523(a).

Additionally, beyond any specific debt, an entire bankruptcy may be denied for various other forms of misconduct or bad faith including hinderance, delay, concealment, unauthorized transfers, lying non-cooperation, and more.⁵⁶ Again, this is a stricter version of the complete discharge as commanded by the Mosaic law.

One of the best-known parables of Jesus is the Parable of the Prodigal Son.⁵⁷ Does anyone truly believe that upon the son's return, in addition to any number of sins and immoral acts, he did not leave a trail of broken promises and unpaid debts? Regardless, his father—who symbolizes God in this parable—forgave him of all of his sins, including the unpaid bills.

Only the Wicked Do Not Repay

It is hard for people (especially creditors) not to resent debtors who wipe out their debts “the easy way” through bankruptcy. So much so that many cite the Bible and various principles contained therein for the proposition that bankruptcy is unbiblical. After all, there are many passages in the Bible that can easily form a basis for the argument that the bankruptcy system is not biblical and that non-repayment of debt is prohibited. Generally though, these passages all share a singular trait in that they are taken out of context and then read together to support this conclusion.

Two commonly cited passages from the Psalms are often raised in the case against bankruptcy are:

The wicked borrows and does not repay, But the righteous shows mercy and gives.⁵⁸

[W]ho despises a vile person but honors those who fear the LORD; who keeps an oath even when it hurts, and does not change their mind.⁵⁹

Together, these verses are interpreted to suggest that the wicked are those who take on debts

and fail to repay them, while the righteous not only fulfill their obligations, but also go beyond them—giving generously and remaining faithful to their word, even when doing so brings personal hardship.

These versus originate in the Book of Psalms—a collection of songs and prayers composed before the birth of Christ. They do not reflect the greater mercy of Christ and His teachings of forgiveness. If Christ can forgive his executioners and restore Peter after his denial, can one truly be prohibited from forgiveness for failing to pay a debt?⁶⁰

Even if these passages are taken literally and applied to modern day insolvency, they ignore other verses in Psalms emphasizing forgiveness, including:

Praise the LORD, my soul,
and forget not all his benefits—
who forgives all your sins
and heals all your diseases,

...

he does not treat us as our sins deserve
or repay us according to our iniquities.
For as high as the heavens are above
the earth,
so great is his love for those who fear
him;
as far as the east is from the west,
so far has he removed our transgressions from us.⁶¹

The author of Psalm 143 recognizes that no human is truly righteous before God:

Do not enter into judgment with Your servant,
For in Your sight no one living is
righteous.⁶²

This admonition is relevant when considering another component of the return of the Prodigal Son—the brother. Recall the father's gentle correction and challenge of the brother

56 11 U.S.C. § 727.

57 Luke 15:11-32.

58 Psalm 37:21.

59 Psalm 15:4 (NIV).

60 See Luke 23:34; Luke 22:54-62; John 21:15-19.

61 Psalm 103:2-3, 10-12 (NIV); see also Psalm 6, 25, 32, 51, 79, 86, 103, 130.

62 Psalm 143:2.

who refused to accept grace when it was given to others. The brother who, in this parable, paid his bills on time (probably early), forswore frivolity, stayed true to his duties, had to shoulder more of the work burden, and just finished another hard day's work on a first century farm to find his spendthrift younger brother being celebrated.

Other support for the argument that bankruptcy is unbiblical comes from Ecclesiastes: "It is better that you should not vow than that you should vow and not pay."⁶³ Again, this verse is taken out of context of the entire chapter which is meant to impart that God should be feared and vows should be kept. When read together, these verses do not deem bankruptcy as unbiblical, but rather are really a reformulation of Deuteronomy 23:21-23 and reinforce that a person should never casually make a vow to, or bargain with, God.⁶⁴

Many commentators use Jesus' commendation of the unjust steward⁶⁵ as support for the proposition that bankruptcy is not biblical. The thinking goes that Jesus' notation and praise of good stewardship of money prohibits bankruptcy that must be a direct result of poor stewardship. This point erroneously assumes all bankruptcies are the result of poor stewardship of money. In reality, job loss, marital disruption, or medical bills is just as significant of a factor than misuse of credit.⁶⁶ Also not considered is the failure of a business or aggressive lending practices targeted to unsophisticated individuals as causes of modern bankruptcies.

Another example is in the Parable of the Unforgiving Servant where the king, outraged by the servant's hypocrisy, reinstates previously forgiven debt and sends the servant to the tor-

turers after learning of the servant's refusal to forgive a smaller debt owed to him by another.⁶⁷ Again, from the metaphorical use of debt to represent sin, moral obligation, and forgiveness, the implication is clear—debt is a serious matter, but it doesn't prohibit bankruptcy, which is the forgiveness of debt.

The Bible's warnings to Christians about the dangers of debt do not prohibit debt forgiveness, but rather emphasize that debt carries real and serious consequences.

The rich rules over the poor,
And the borrower is slave to the lender.⁶⁸

This is good advice, especially because when this was written slavery was an actual consequence. But even if applied to the modern day, it is not support for the idea that a Christian cannot file bankruptcy. Neither is the crisis described by Elisha, where creditors are on the way to take a widow's two sons into slavery for satisfaction of debt, an admonition to never have debt.⁶⁹ Nor does Jesus' message to quickly address financial matters in the Sermon on the Mount prohibit debt forgiveness.⁷⁰ None of these passages supports the notion that bankruptcy is unbiblical. Rather, they highlight the Scriptures' teachings on the moral and practical consequences of borrowing.

Perhaps the most commonly cited passage that Christians must be debt free comes from Romans.

Owe no one anything, except to love each other, for the one who loves another has fulfilled the law.⁷¹

63 *Ecclesiastes* 5:5.

64 See DAVID JEREMIAH, *THE JEREMIAH STUDY BIBLE: NKJV, WHAT IT SAYS. WHAT IT MEANS. WHAT IT MEANS FOR YOU* 855 (2013).

65 *Luke* 16:1-13.

66 Sugato Chakravarty & Eun-Young Rhee, Factors Affecting an Individual's Bankruptcy Filing Decision 2-3, 12, 24, 27 (1999 SSRN).

67 *Matthew* 18:23-35 (NIV).

68 *Proverbs* 22:7 (NIV).

69 *2 Kings* 4:1-7 (NIV).

70 "Come to terms quickly with your accuser while you are going with him to court, lest your accuser hand you over to the judge, and the judge to the guard, and you be put in prison. Truly, I say to you, you will never get out until you have paid the last penny." *Matthew* 5:25-26.

71 *Romans* 13:8.

Those that cite this as final authority that the Bible forbids the acquisition of debt are misinformed and take great liberty with the text for their own purposes. This section of Romans contains directives on how those who have responded to God's righteousness should demonstrate it in their daily lives.⁷² Chapter 13 of Romans begins with instructions about submission to *governing authorities*. It focuses on the external duties towards civil authorities. In verses 8-10, Paul broadens the scope from civic duty to moral duty. He uses the *metaphor* of debt to pivot to the idea that the one debt that remains ongoing is love—a debt that we can never fully pay off because love is a continual calling. It has nothing to do with avoidance of financial obligations.⁷³

Why is there so much hostility towards forgiveness of debts through the legal process of bankruptcy when forgiveness of legal wrongs is already recognized in law through the statute of limitations? For example, personal injury and similar tort claims are typically barred after 2 to 3 years. Breach of contract claims generally expire within 3 to 6 years. Fraud is often limited to 2 to 4 years, and even serious criminal offenses, including some felonies, can carry statutes of limitations as short as 3 to 7 years.

Yet, those who criticize debtors for seeking relief through bankruptcy on religious grounds rarely apply the same standard to these other statutes of limitations that serve as *de facto* forgiveness laws. It's striking that forgiveness of financial obligations is singled out as "unChristian," while the legal expiration of claims for physical harm, deceit, or even criminal behavior rarely draws the same moral outrage.

Consider also the New Testament's exhortation to forgive. Believers should recognize the traditional refrain from the Lord's Prayer discussing forgiveness of sins: "And forgive us

our trespasses as we forgive those who trespass against us." Most believers, at least English speakers, don't realize that the original Greek word for trespasses is "*opheilēmata*," which is the Greek word for debts.⁷⁴ Certainly, use of the word "trespasses" is a fair translation for the meaning Matthew was imparting, but it stands for the proposition that forgiveness of debts, literally and figuratively, has a biblical basis.

Jesus forgives all kinds of sins, even the reprehensible ones. Even Paul once executed Christians.⁷⁵

Improvident Lending

Lenders in the Old Testament were prohibited from charging interest.⁷⁶ As we have seen above, God structured the law of Israel in such a way that living on credit was practically impossible to those who did not need it to survive; and to those who needed it, it became charity via the utilization of the year of release.⁷⁷ Not so in modern day lending relationships. Banks and lenders lend and extend credit with the express purpose of making more money. Creditors are willing to lend money because "they gain more money off of interest than they lose to insolvencies and bankruptcies."⁷⁸

Lending in the modern day has become so pervasive it is virtually impossible to list the various types of debt arrangements that exist. There are credit cards, payday loans, buy now and pay later, factoring agreements, merchant cash advances, pawn "sales," student loans (private and government), unsecured lines of credit, title loans, and bridge loans. There are property mortgages that are fixed and adjustable, 5 to 50 years in duration, and sometimes "reversed." Individuals can even borrow from *themselves* via life insurance loans, retirement loans, and other types of loans, including home equity lines of credit. Even

72 JEREMIAH, *supra* note 64, at 1540.

73 *Introduction to Romans Chapter 13*, JOHN GILL'S EXPOSITION OF THE BIBLE, <https://johngill.thekingsbible.com/Commentary/Chapter/45/13> (last visited June 27, 2025).

74 *The Lord's Prayer: "Debts" or "Trespasses"?*, CATHOLIC ANSWERS, <https://www.catholic.com/qa/most-bible-translations-use-the-word-debts-in-the-lords-prayer-so-why-do-we-say-forgive-us-our> (last visited June 27, 2025).

75 See Acts 8.

76 Deuteronomy 23:20.

77 CHARLES R. CHESNUTT, BANKRUPTCY AND THE BIBLE (n.d.) 2 (manuscript on file with author).

78 *Id.*

signature loans (aka “character loans”) are offered upon only a borrower’s signature and promise to pay.⁷⁹

The Bible simply does not support the notion that debtors are to disproportionately shoulder the burdens of improvident lending.⁸⁰ The Bible speaks out against such practices. During the fifth century BC, the recently returned Israelites from Babylonian exile found themselves in extreme financial straits. They had mortgaged their farms and sold their children into slavery just to survive to pay the Persian taxes, and the wealthier Jews were charging interest and taking collateral against the laws of Moses.⁸¹ If anything is unbiblical, it is not bankruptcy but improvident lending. As explained by Mr. Charles Chesnutt:

God’s provision for the protection of the creditors whose debts were released was not to permanently hold the debtor to the debt, but to make the risk of lending abundantly clear to the lenders, so the lenders would be fully aware of the risks that they were undertaking. Precisely the same is true today.

Every [modern] commercial and consumer lender knows of the risk of bankruptcy. The major difference between the Old Testament lending and today’s methods is that today the release from debt is not automatic and there are no laws to prevent the charging of interest.

The result is that massive profits can be generated by the use of eighteen and twenty percent interest rates in consumer credit transactions. These

profits override the risk of bankruptcy and those who pay back their loans at these interest rates are in effect not only paying back their own loans but also the loans of the bankrupt borrowers as well—and a large profit to the usurious lenders.⁸²

The Bible Has Consequences—So Does Bankruptcy

Christianity is about forgiveness, so is bankruptcy. But the consequences for sin remain even after they have been forgiven. For example, God forgave David after his repentance for sinning with Bathsheba, but the consequences—his child’s death—still occurred.⁸³ Let’s also not forget the Israelites being forgiven of their sins by God but being required to endure 40 years in the desert and prohibited (except for Joshua and Caleb) from seeing the promised land.⁸⁴ The thief on the cross was forgiven and saved, but he still died.⁸⁵ The Bible is clear that “you reap what you sow.”⁸⁶

The Bible teaches that forgiveness is available, but also that actions still have consequences, just like bankruptcy. For example, bankruptcy can reduce a FICO credit score by 200+ points depending on the prior score.⁸⁷ It will remain on a credit report for 7 to 10 years.⁸⁸ As such, most post-bankruptcy debtors face higher interest rates, fewer loan options, credit denials, and difficulty finding rental housing. A debtor may also be required to wait up to four years before being eligible for FHA backed home mortgages.⁸⁹ Bankruptcy filings are public, and oftentimes debtors can be faced with discrimination in employment

79 Julia Kagan, *Signature Loan: What It Is, How It Works, and Examples*, INVESTOPEDIA, https://www.investopedia.com/terms/s/signature_loan.asp (Sept. 16, 2024).

80 *Bankruptcy is a Christian Idea*, KENT ANDERSON L., <https://www.kentandersonlaw.com/2007/12/is-bankruptcy-unchristian-certainly-not/> (last visited June 27, 2025); see also *Leviticus* 25:13-17.

81 *Nehemiah* 5:1-9.

82 CHESNUTT, *supra* note 77.

83 *2 Samuel* 12:13-14.

84 *Numbers* 14:20-23.

85 *Luke* 23:39-43.

86 See *Galatians* 6:7-8; see also *2 Corinthians* 9:6.

87 Ben Luthi, *How Does Filing Bankruptcy Affect Your Credit?*, EXPERIAN (Apr. 9, 2024), <https://www.experian.com/blogs/ask-experian/how-does-filing-bankruptcy-affect-your-credit/>.

88 15 U.S.C. § 1681 *et seq.*

89 FANNIE MAE, SELLING GUIDE: FANNIE MAE SINGLE FAMILY 465 (2025), <https://selling-guide.fanniemae.com/sel/b3-5.3-07/significant-derogatory-credit-events-waiting-periods-and-re-establishing-credit#P3081>.

because of a bankruptcy filing resulting from this loss of financial privacy, regardless of how long ago it may have occurred. Anecdotal, individuals have been reported to lose security clearances after filing bankruptcy.⁹⁰

Filing bankruptcy also brings with it a stigma from society that is hard to measure. Many people view debtors generally as having a blemish on their character.⁹¹ A bankruptcy filing serves as a justification to judge others, marking the debtor's reputation as flawed and providing grounds for discrediting the individual.⁹² Oftentimes debtors believe the same of themselves, especially Christian debtors.

Conclusion

Nothing in the Bible supports the notion that Christians are allowed to be spendthrifts and irresponsible with money. Promises to repay money should be kept, if possible, and there are consequences of debt.⁹³ Individuals should not lose control of their finances because unmanageable debts, just like the love of money, become a source for wrongdoing, making it harder to live a faithful Christian life and easier to fall into sin.⁹⁴ Proper money management is one of the many ways that the Bible teaches Christians to live so as to mitigate sin.

The appropriate response, however, is not to condemn debtors as unchristian. Nor is it to promote excessive financial caution driven by fear of ruin. In fact, Jesus expressly denounces this behavior and encourages risk taking so long as there is proper planning and care given to the

enterprise.⁹⁵ Jesus expects Christians to conduct commerce and be shrewd in their financial dealings;⁹⁶ however, the Bible recognizes that in life hard work, good decisions, skill, and effort don't always result in success.⁹⁷ Life's results are often beyond our control, and forgiveness is available in those instances, from both God and the Bankruptcy Code.

Everyone sins, and no one meets God's standards.⁹⁸ Christians who condemn the sin of irresponsible debt regularly admit to and ask for forgiveness for their own sins such as lying, slander, jealousy, greed, and impure thoughts. Those same people also exhort others to forgive for those same acts, as well as other grievous acts such as fraud, adultery, theft, and even murder. They are right to do so; however, they sometimes forget that the crucifixion cancels the debt of all sin, even mismanagement of money.

The U.S. Supreme Court has stated that bankruptcy relieves the honest debtor from the weight of oppressive indebtedness and permits him to start afresh with a new opportunity in life and a clear field for future effort.⁹⁹ At its core, the objective of bankruptcy is to grant forgiveness via a legal structure, and it reflects the biblical principles of mercy, justice, compassion, consequences, and grace. In many cases, bankruptcy may be the consequence of sin, but it is also an opportunity at redemption that mirrors the grace God extends to those who seek a new beginning. It reminds us that, just as we are called to forgive, we too may sometimes need forgiveness and a fresh start in the financial realm, as well as in all areas of life.

90 See *Bankruptcy and Security Clearance: How to Protect Your Career and Financial Future*, ASHLEY F. MORGAN L. (Feb. 11, 2025), <https://afmorganlaw.com/bankruptcy-and-security-clearance/>. In my practice, multiple clients with security clearances have reported to me that a bankruptcy filing will result in its loss. Other clients, however, have said that they have expressly been advised by superior officers to file for bankruptcy to gain higher security clearances.

91 See Michael D. Sousa, *Bankruptcy Stigma: A Socio-Legal Study* 30 (Jan. 1, 2014) (M.A. thesis, University of Denver) (Digital Commons @ DU).

92 *Id.* at 30-31.

93 See, e.g., *Proverbs* 21:20; *Proverbs* 22:7; *Luke* 14:28; *1 Timothy* 5:8; *Hebrews* 13:5.

94 See *1 Timothy* 6:10.

95 See *Matthew* 25:14-30 (parable of the talents); see also *Luke* 14:28-30.

96 *Luke* 16:1-13 (that is, shrewd, not dishonest).

97 See *Ecclesiastes* 9:11.

98 *Romans* 3:23.

99 *Local Loan Co. v. Hunt*, 292 U.S. 234, 244-45 (1934).

REDEEMING THE CHRISTIAN LAWYER

by Christian Davis*

Introduction

There is good cause to question whether a faithful Christian can be a lawyer. Lawyers are often portrayed as the scoundrels of society, a self-serving class of state-sanctioned crooks who manipulate the legal system to their own benefit. “Lawyers can steal more money with a briefcase than a thousand men with guns and masks.”¹ Lawyers “rarely make any moral distinctions” and “serve the devil . . . as God.”² To lawyers, truth is not truth, but rather “consistency or a consistent expediency.”³ Such critiques of the legal profession are not limited to secular literature and media; even Thomas Aquinas condemned the “litigious mind set.”⁴

As if these societal criticisms were not enough, the New Testament is replete with examples that seem to confirm that a lawyer’s vocation is somehow categorically antagonistic to the ministry of Christ. It is, after all, the lawyer who constantly seeks to put Jesus to the test.⁵ It is the lawyer who rejects the purpose of God.⁶ It is the lawyer whom Christ denounces.⁷

And yet, it is impossible to ignore the fact that many of Christianity’s most influential advocates were lawyers. Thomas More was an English lawyer and a judge. John Calvin was an accomplished French lawyer. Martin Luther was

a law student before he became a monk. And for all its examples of hardhearted lawyers, the New Testament does mention at least one lawyer who loved Christ. In his letter to Titus, Paul says: “Do your best to speed Zenas the lawyer and Apollos on their way; see that they lack nothing.”⁸ As Henry C. Potter once preached to a group at Columbia Law School, “the young Church of Apostolic days had a place not only for the eloquent preacher, but also, and equally, for that companion and fellowworker of his,” the lawyer.⁹

The Christian lawyer needs to be redeemed. Because all Christians are called to be loving, peaceful, and selfless, the Christian’s role in the legal profession, perhaps more so than any other vocation, needs to be unequivocally differentiated from the pervasive stereotype of lawyers as scheming, eristic, and selfish. To that end, this Note will explore the inherently complicated relationship between Christianity and the practice of law. By detailing a lawyer’s role as an advocate, a reformer, and a counselor, this Note will show that there is room in Christendom for lawyers who make room in their practice for Christ.

The Christian Lawyer as an Advocate

The legal profession is a very old one, and faithful Christians have been interacting with the

* Christian Davis received his B.A. in ethics, politics, and economics from Yale University in 2023. He is currently pursuing his J.D. at Washington and Lee University School of Law and is expected to graduate in 2026. He is thankful to everyone who supported the writing and publication of this piece, especially Professor Samuel W. Calhoun for his thoughtful reflection and critique; Anton Sorkin, Laura Nammo, and Kathryn Cromack for their gracious editorial review; and his wife, Sophie, for her insightful feedback and constant support. The views expressed in this article are solely his own, as are any mistakes or omissions.

1 MARIO PUZO, *THE GODFATHER* 225 (1969).

2 HENRY DAVID THOREAU, *ON THE DUTY OF CIVIL DISOBEDIENCE* 3 (Project Gutenberg 2021) (1849).

3 *Id.* at 16.

4 Raymond B. Marcin, *Tolstoy and the Christian Lawyer*, 52 CATH. UNIV. L. REV. 327, 343 (2003).

5 See Matthew 22:35; Luke 10:25. All Scripture references are to the ESV unless otherwise noted.

6 See Luke 7:29.

7 See Luke 11:46-52.

8 Titus 3:13

9 *A Sermon Preached Before the Columbia College Law School*, ANGLICAN HISTORY, <https://anglicanhistory.org/usa/hcpotter/zenas1872.html> (last visited June 23, 2025).

law since the earliest days of the church. Paul frequently applied his knowledge of Roman law to further the aims of the gospel. In Jerusalem, when Paul's ministry was going to be cut short by the Roman tribune, Paul asserted his right to due process under Roman law.¹⁰ Later, when Paul made his defense before Roman procurator Festus, he claimed his right to appeal his case to Caesar, thus furthering God's plan for Paul to stand trial in Rome.¹¹ In both cases, Paul's willingness to work as an advocate within the existing legal system demonstrates that God uses even humanity's imperfect law for His glory.

The church fathers and other early church leaders also applied their knowledge of the law as advocates for the cause of Christianity. For example, Tertullian appealed to various due process rights in his *Apology* to advocate for the legal rights of persecuted Christians. "When others are charged with similar crimes," he explained, the "opportunity of rejoinder and cross examination is open to them, since it is illegal for them to be altogether condemned undefended and unheard."¹²

Of course, Tertullian was more than prepared to suffer and sacrifice for the sake of Christ. Indeed, as Tertullian remarked, "the very posture of a praying Christian is ready prepared for every kind of punishment."¹³ Nevertheless, the bulk of Tertullian's *Apology* is a plea and an argument for the legal rights of persecuted Christians. And though he might well have appealed to natural law or notions of common goodness, Tertullian chose to appeal to the existing legal framework of his day. His appeal to worldly legal systems as a means to protect the rights of the persecuted remains a meaningful example to this day. Even as modern democratic states boast broad religious tolerance for their citizens, there remains a great need for the Christian lawyer to serve as an advocate for those who are unable to advocate for themselves.

In a perfectly equitable society, mere participation in the legal system would constitute participation in God's calling to "do justice."¹⁴ But our society is not perfectly equitable, and God requires more than justice. A Christian lawyer is required not only "to do justice," but also to "love kindness, and to walk humbly" with God.¹⁵ Advocating for the rights of all people satisfies our imperative to seek justice. But a Christian lawyer's calling to love kindness and walk humbly with God cannot be fulfilled unless particular attention is given to the plight of the needy.

Even in the Old Testament, God's people were instructed to give particular attention to the needs of the less fortunate in legal proceedings. "Open your mouth for the mute," says the writer of Proverbs, "for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy."¹⁶ The poet of Lamentations writes similarly of God's love and care for the legal protection of the poor: "To crush underfoot / all the prisoners of the earth, / to deny a man justice / in the presence of the Most High, / to subvert a man in his lawsuit / the Lord does not approve."¹⁷

There are countless ways for a Christian lawyer to advocate for the needs of the less fortunate in the modern legal context. Some lawyers have the great benefit of working in a field that naturally lends itself to the fulfillment of this calling. Working as a public defender, or for a legal aid office or a nonprofit immigration services firm, will necessarily place Christian lawyers in an ideal position to advocate for the needy.

But what of the big law attorneys whose collective persona captivates the American consumer with legal dramas like *Suits*? Can the Christian lawyer genuinely advocate for the needy from a corner office on the thirtieth floor of a city skyscraper? High billable hours expectations and the time-intensive nature of big law are certainly among the more obvious barriers

10 Acts 22:25.

11 Acts 25:11, 27:24.

12 TERTULLIAN, THE APOLOGY OF TERTULLIAN FOR THE CHRISTIANS 5 (T. Herbert Bindley, ed. & trans., London, Parker & Co., 1890) (197).

13 *Id.* at 97.

14 Micah 6:8.

15 *Id.*

16 Proverbs 31:8-9.

17 Lamentations 3:34-36.

to a Christian lawyer's ability to advocate for the needy, but there is another, much more serious hurdle for big law attorneys: wealth.

The higher a lawyer's salary, the greater the cost of service. When a lawyer's value to his firm is worth hundreds of dollars per hour, the opportunity cost of advocating for economically disadvantaged clients is incredibly high. It is hard to imagine a person to whom Christ's interaction with the rich young man can be more aptly applied than a successful big law attorney. Constrained by the weight of wealth, the young man rejected Christ and "went away sorrowful, for he had great possessions."¹⁸ In response to this, "Jesus said to his disciples, 'Truly I say to you, only with difficulty will a rich person enter the kingdom of heaven.'"¹⁹

The implications of this parable for the Christian lawyer are clear. It is not impossible for wealthy lawyers to follow the costly way of Christ. But it is difficult. Of course, a cheaper version of grace is always available to those who are unwilling to pay the price of faith. But cheap grace is nothing more than "grace sold on the market . . . as a doctrine, a principle, a system."²⁰ Cheap grace calls a lawyer to do nothing more than live as he will and drink up the endless forgiveness of Christ. "Cheap grace means justification of the sin without the justification of the sinner."²¹ Cheap grace is, in short, "the deadly enemy" of the church.²²

Costly grace, on the other hand, "is the treasure hidden in the field; for the sake of it a man will gladly go and sell all that he has."²³ Such grace "is costly because it costs a man his life, and it is grace because it gives a man the only true life."²⁴

Thus, the Christian lawyer must embrace the fact that, regardless of whether he works as a public defender or a big law partner, his identity in Christ does not permit him to forsake the needy. To participate in the legal system is not enough. The Christian lawyer has a particular duty to ad-

vocate for the needs of the poor. Faithful adherence to this calling will be costly, but the fullness of life in Christ which it secures is well worth the cost.

The Christian Lawyer as a Reformer

The Christian lawyer's calling to pursue social reform is decidedly less clear than his calling to advocate for the poor. As previously described, this calling requires the Christian lawyer to serve the poor by personally advocating for them. Whether or not this call to advocate for the needy also requires the Christian lawyer to participate in efforts at social or political reform is another question.

While many contemporary Christians view participation in social reform as a necessary aspect of faithful living, theologians and scholars of the early church advocated for a form of Christianity that distanced itself from political activity. For example, in *Contra Celsum*, Origen argues that Christians should take a more detached role, declining public offices so that "they may reserve themselves for a diviner and more necessary service in the church of God—for the salvation of men."²⁵

Dietrich Bonhoeffer, a twentieth-century German theologian and martyr, likewise advocated for a view of Christian activism that declined to align with secular movements for political or social reform. Commenting on Paul's statement that everyone "should remain in the condition in which he was called," Bonhoeffer's *The Cost of Discipleship* offers a radical alternative to traditional activism.²⁶

As Bonhoeffer explains, Paul is not arguing for human subjugation when he says: "Were you a bondservant when called? Do not be concerned about it."²⁷ Paul "does not mean that the class structure of secular society is so good

18 Matthew 19:22.

19 Matthew 19:23.

20 DIETRICH BONHOEFFER, *THE COST OF DISCIPLESHIP* 45 (R. H. Fuller, trans., Macmillan Publ'g Co., Inc. 1979) (1937).

21 *Id.* at 46.

22 *Id.* at 45.

23 *Id.* at 47.

24 *Id.*

25 ORIGEN, *AGAINST CELSUS* 558 (Frederick Crombie, trans. 1869) (c. 248).

26 1 Corinthians 7:20.

27 1 Corinthians 7:21.

and godly an institution that it would be wrong to upset it by revolution.”²⁸ Rather, Bonhoeffer argues that efforts at political and social reform are problematic because they necessarily distract from the spiritual revolution of Christ crucified. For Bonhoeffer, Paul’s “real meaning is that to renounce rebellion and revolution is the most appropriate way of expressing our conviction that the Christian hope is not set on this world, but on Christ and his kingdom.”²⁹ Like Origen, Bonhoeffer offers a theory of Christian reform that is primarily focused on the redemptive work of Christ for the spirit of the believer rather than the betterment of secular society.

Nevertheless, both Origen and Bonhoeffer recognized that focusing primarily on spiritual activism and reform does not rule out the possibility of pursuing broader social progress. As Origen explained, Christians “do take part in public affairs, when along with righteous prayers” we fight on behalf of the government, “forming a special army—an army of piety—by offering our prayers to God.”³⁰

And it would be naive to accept Bonhoeffer’s criticism of social revolution in *The Cost of Discipleship* without also considering his role as a political activist. Bonhoeffer openly campaigned against Hitler’s political regime and played a key role in the formation of the Confessing Church, which opposed the Nazi Party’s efforts to unify German churches into a single entity supportive of its political ideals. Indeed, Bonhoeffer was ultimately arrested and executed for his opposition to the Nazi regime.

But how can the Christian lawyer take an active role in social and political reform without losing sight of the fact that a Christian’s ultimate hope is not set on worldly progress but on the spiritual revolution of the crucified Christ?

Writing on this very question, Emeritus Law Professor Samuel Calhoun writes that “Christians’ responsibility to spread the Gospel doesn’t negate our freedom, if so guided by prudent political judgment, to openly appeal to Christian principles in public policy disputes.”³¹ As Calhoun further acknowledges, the church has a responsibility to speak up on social, economic, and political realities.³² The Christian lawyer’s obligation to give “justice to the weak” and to “maintain the right of the afflicted” can certainly be fulfilled at the individual level, but there is also room for the Christian lawyer to fight for justice at a larger scale.³³ A Christian lawyer is therefore not only an advocate, but also a reformer.

Nevertheless, the Christian lawyer must never lose sight of the fact that rather “than seeking political power, Christians’ first priority should be to bear witness to a fallen world of the love of God.”³⁴ As Bonhoeffer reminds us, it “is not reform that the world needs, for it is already ripe for destruction.”³⁵ The Christian lawyer must bear in mind therefore that although he can and should pursue social and political reform for the glory of God, the ultimate Christian hope “is not set on this world, but on Christ and his kingdom.”³⁶

The Christian Lawyer as a Counselor

Finally, the Christian lawyer is a counselor. Given the rigor of law school and the high professional standards for practicing attorneys, it’s easy to forget that lawyers are not only litigators and negotiators, but also counselors. Indeed, the Christian lawyer’s role as a counselor is one to which particular attention should be given; Christ may have condemned the lawyers, but He was Himself called the “wonderful counselor.”³⁷

28 BONHOEFFER, *supra* note 20, at 291.

29 *Id.*

30 ORIGEN, *supra* note 25, at 557.

31 Samuel W. Calhoun, *If Separation of Church and State Doesn’t Demand Separating Religion from Politics, Does Christian Doctrine Require It?*, 74 WASH. & LEE L. REV. ONLINE 565, 594 (2018).

32 *Id.* at 597.

33 Psalm 82:3.

34 Calhoun, *supra* note 31, at 586.

35 BONHOEFFER, *supra* note 20, at 291; *see also* 2 Peter 3:7.

36 BONHOEFFER, *supra* note 20, at 291.

37 Isaiah 9:6.

But what does it mean to be a faithful counselor in the context of the legal profession?

The lawyer's role as a counselor entails so much more than providing legal advice. As the American Bar Association's Model Rules of Professional Conduct recognize, in "rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation."³⁸ In grappling with the Christian lawyer's responsibility to serve as a candid advisor and counselor, the book of Proverbs offers guidance.

Counselors, by their nature, work to satisfy the needs and objectives of others. "Without counsel plans fail, but with many advisors they succeed."³⁹ But the role of a counselor is also distinct from a mere legal advisor because a counselor lends advice to a client's deeply personal crises. In so doing, the Christian lawyer is a source not only of help, but also of profound reassurance and even gladness. "Oil and perfume make the heart glad, and the sweetness of a friend comes from his earnest counsel."⁴⁰ And though the lawyer-client relationship isn't necessarily one of traditional friendship, a lawyer has the unique privilege of serving his clients as he would his friends: by offering wise and helpful counsel.

Of course, the duty of a counselor applies to all lawyers, regardless of their religious convictions. The Christian lawyer, however, is tasked with an additional responsibility. In his capacity as a counselor, the Christian lawyer has a heightened responsibility to guide other Christians away from litigation.

In his letter to the church at Corinth, Paul vehemently condemns Christians who bring lawsuits against one another in state courts. "When one of you has a grievance against another," Paul writes, "does he dare go to law be-

fore the unrighteous instead of the saints?"⁴¹ As Paul explains, it is better for Christians to suffer wrong or be defrauded than to bring lawsuits against one another.⁴² This is not only because lawsuits are—by nature—manifestations of conflict, but also because Christians totally undermine their credibility as wise and honest judges when they fail to resolve disputes without the aid of a worldly legal system.⁴³

Commenting on this passage, Augustine notes that lawsuits in secular courts are typically centered around "matters of money" and are, therefore, trifles compared to the mission of the church.⁴⁴ Though Augustine continues to say that even trifling matters such as money damages lawsuits deserve our serious consideration, he nevertheless observes that "if we were giving men advice as to how they ought to conduct secular cases . . . before the church courts, we would rightly advise them to conduct them quietly as matters of little moment."⁴⁵

Applying the *expressio unius est exclusio alterius* canon of construction, we can conclude that Paul's impassioned criticism of Christians who bring lawsuits against one another does not forbid the Christian lawyer from representing nonbelievers. But as Augustine reminds us, the cases we bring before secular tribunals—particularly cases of money damages—are trifling compared to the greater mission of the church.

The Christian lawyer, therefore, has a special duty to pursue alternative forms of dispute resolution when working with Christian clients. For example, the Christian lawyer should remind his believing clients that Christ provided clear instruction for those who are wronged by other believers. As Christians, our first reaction to being wronged should never be retaining a lawyer to file an official complaint. Rather, we should seek to resolve the issue with whomever

38 MODEL RULES OF PRO. CONDUCT R. 2.1 (2023).

39 Proverbs 15:22.

40 Proverbs 27:9.

41 1 Corinthians 6:1.

42 1 Corinthians 6:7.

43 1 Corinthians 6:3-7.

44 AUGUSTINE, *On Christian Doctrine*, in THE WORKS OF AURELIUS AUGUSTINE, BISHOP OF HIPPO 147 (Marcus Dods, ed., J. F. Shaw & S. D. Salmon, trans., 1873).

45 *Id.* at 147-48.

wronged us, first individually, then with the aid of other Christians, then before the church.⁴⁶

If the offender's refusal to be reconciled renders all possible means of Christian dispute resolution ineffective, then (and only then) does Jesus permit his followers to treat other Christians as nonbelievers.⁴⁷ But even at this point, the Christian lawyer should advise his client to deeply consider whether litigation is warranted. There is, of course, a time and a place for civil lawsuits and claims for monetary relief. But between Christians, the reconciliation of the children of God ought to be viewed as a far greater result than a favorable ruling from a secular judge.

Though the Christian lawyer, like any lawyer, must recognize that many clients will often be unable to resolve disputes within the church, he must not lose sight of the fact that his vocation calls him to be more than a legal fighter. The Christian lawyer is a counselor, and faithful counsel to members of the church should be aimed at reconciliation rather than litigation.

Conclusion

The Christian lawyer occupies a unique position in modern society. To faithfully magnify the image of God, the Christian lawyer must be

redeemed from the negative stereotypes associated with the legal profession. As in all things, the Christian lawyer must rely on God as the ultimate source and cause of this redemption. But faithful reliance need not be passive.

All lawyers advocate zealously for their clients; the Christian lawyer serves as a special advocate for the needy, looking perpetually for opportunities to give aid to those who lack the means to advocate effectively for themselves. All lawyers are well-positioned to seek social and political reform; the Christian lawyer ensures that—even while pursuing social betterment—the ultimate focus remains on the spiritually redemptive work of Christ. All lawyers act as advisors and counselors; the Christian lawyer guides clients within the church to reconciliation when possible, resorting to secular litigation as a last resort.

The Christian lawyer may defy certain stereotypes, but he is not a self-contradiction. The church has been supported by faithful Christian lawyers since its foundation. By serving Christ as an advocate for the needy, a spiritually-minded reformer, and a faithful counselor, the Christian lawyer can exemplify obedience to the foundational requirement of mankind: to do justice, and to love kindness, and to walk humbly with God.⁴⁸

46 *Matthew* 18:15-17.

47 *Matthew* 18:17.

48 *Micah* 6:8.

LAW FROM BELOW

A Conversation with Elisabeth Rain Kincaid on the Thought of Francisco Suárez and His Contribution to Contemporary Legal Engagement*

Interviewer: Anton Sorkin

Q. Elisabeth, thank you so much for doing this. My first question is: What prompted you to write a book on Francisco Suárez and his contribution to contemporary legal engagement?

A. I definitely didn't start out planning on writing on a somewhat obscure Spanish Jesuit. My original interest was in Christian influence on John Locke's theories—especially drawn from the writings of Richard Hooker. I got interested in Suárez through several of my doctoral classes at Notre Dame, where we read some of his excerpts (there is still very little of his legal theory in English translation). I was very intrigued by how Suárez thought about the development of law as a process developed between the ruler and the ruled. I was also interested in his theories of the relationship between God's law and human law. Also, I was fascinated by how many people on both sides of various debates he consistently annoyed, which seemed to me a sign that he might be on to something interesting. When I started working on my dissertation about Christian engagement with law, Suárez gradually took over more and more of the project until he became the point of the project.

Q. I'm curious if there was something in Suárez's background or experiences that compelled him to see the process of rulemaking as "communitarian" instead of simply autocratic. I'm thinking something akin to how Bartolomé de las Casas developed his theory of the dignity of indigenous life after witnessing the atrocities they faced at the hands of conquistadores.

A. I love how you bring in de las Casas. Suárez himself was trained at Salamanca in theology, and his uncle, Francisco de Toledo, the first Jesuit cardinal, studied with Soto. So, the "Affair of the Indies" and its ramifications definitely formed part of Suárez's intellectual landscape. However, in this case, I think he would say his approach was the opposite. De las Casas underwent a pretty dramatic conversion of intellectual viewpoint against the received wisdom of at least the encomenderos. Suárez would argue that the turn to a radical autocracy was the *new* viewpoint which he is resisting. There are plenty of resources in Thomistic theology, Spanish civil law, and of course ecclesial canon law which argued for limits on the power of any one secular ruler. So, I think Suárez, as a good scholastic, would view his project as synthesizing the received traditions to combat a novel approach to government.

Q. You spend some time discussing the historical context for Suárez's life and writing. What are some other things readers need to know about his historical context as it relates to his writing?

A. I think part of the reason Suárez is so compelling as a legal thinker is that he is confronting many of the same challenges that we are in our current age: the vast extension of the nation state, the appeal of absolutism, the challenges of religious and cultural diversity, the possibilities and challenges of new technologies. I also spend a fair amount of time reading and writing on Thomas Aquinas and other medieval legal theorists. I think Suárez is particularly appealing because he is standing on the edge of our time and drawing

* Elisabeth Rain Kincaid is associate professor of ethics, faith, and culture at Baylor University's George W. Truett Theological Seminary. She also serves as the director of the Institute of Faith and Learning, where she works to develop programming that integrates Christian faith and academic excellence. She is also an affiliate professor of management at the Hankamer School of Business.

on the resources of an earlier period to address the challenges of today.

Q. Can you explain what you mean by “law from below” and how the alternative leads to binary engagement, i.e., obedience or disobedience?

A. So in the phrase “law from below,” I mean a capacity that Suárez identifies as the law-making actions of the human community. He believes that law-making capacity inheres naturally in human communities as a gift of God and is then delegated to a ruler who can administer the community’s legal processes more efficiently. However, Suárez argues that this God-given power can never be completely surrendered to the ruler. A remainder always stays with the community—regardless of the form of government. The significance for Suárez of this remainder is that the community always maintains some law-making ability—which is generally manifested by the community’s ability to alter law through how it receives it. Suárez conceives of law making as not ending when a law is promulgated but an ongoing dialogical process by which the ruler issues the law, and the community receives it and alters it through communal actions to make it more appropriate for that specific community. The wise ruler would then receive the law as it is modified by this communal reception as the more appropriate form of the law. When we see law as fixed according to the terms by which it is promulgated, then we see our only response as obedience or disobedience. Rather, according to Suárez, the community reception is also part of the process. I think there are some similarities here with our own common law system, but there the action of reception lies with the judges instead of the whole community.

Q. One section I found to be of particular importance was the section on custom. Can you talk to me about the process of creating law in the eyes of Suárez as it relates to “common and public” action? What kind of “action” are we talking about, e.g., politics, poetry, rituals?

A. Suárez doesn’t provide a specific list of actions which can create a custom, but he definitely does include ritual/liturgical actions (crosses on Ash Wednesday, for example). I didn’t quite get how significant this view of custom would be when I started the research, but it really came to

dominate much of the legal theory. Going back to my discussion to Suárez as a Jesuit in Chapter 1, I think his emphasis on custom comes back to his core conviction that what people do, individually and communally, actually matters deeply in shaping the world and ourselves. So, his focus on custom leaves a lot of space for the value of our daily actions—from where we walk to what we eat to how we worship to how we create. I find it a very refreshing and hopeful view of what humans can contribute to law and society.

Q. This is likely to return us to John Locke and the Enlightenment thinkers, but can you elucidate this interesting middle ground that you discuss in talking about the “mystical grant of lawmaking power” as a channel to find the balance between the beginning of the state rooted in a “mythical moment of consent” and simply announcing the state as a theocracy?

A. Suárez, like all scholastics, is trying to interpret two key verses: “by me kings reign” (Proverbs 8:15) and “the authorities which exist have been established by God” (Romans 13:1). He assumes that the establishment of a community can never be simply about our actions (otherwise the community would not have any legitimate authority to rule, but all authority would be grounded only in forces). However, he is also receiving a tradition which places a great emphasis upon the power of the community and seeks to restrict the power of autocrats (by communal authority through custom especially). Thus, in seeking to reconcile these, he holds together the idea of God’s power as foundational to civil authority but this power as received by the *community* not the individual ruler. This both provides a solid metaphysical grounding for civil authority, while also limiting the power of any one individual.

Q. I told one of my friends about your book who happens to teach at a Christian law school, and his immediate response was that Suárez was a monarchist. I did not get that impression from your book, especially considering the importance he holds between the ruler and the ruled for lawmaking. That said, he did live during a time (i.e., 1548 to 1617) where monarchy was pervasive and seemingly intuitive. I’m curious then, to what extent was he a monarchist?

A. Absolutely he was a monarchist; however, I think the question is what kind of monarchist. Following on Aristotle (and Aquinas), Suárez identifies three types of government: democracy, oligarchy, monarchy. He assumes that monarchy is probably the best because it is the most efficient distribution of power. But he doesn't assume it's the only legitimate political option for a political community. After all, the community has received power from God and then has the freedom to entrust this power to whatever type of ruling authority it chooses. What Suárez is principally worried about is *any* form of government which thinks it has received total power from the people, without acknowledging the remainder, which *always* remains with the people.

Q. As a follow up to this, what would an acknowledgment from the ruling authority look like in the time of Suárez?

A. The most important acknowledgement would be changing the written law to bring it into alignment with the law as it has been received. This is a key part of the dialectical nature of law—the written law itself can change and be revised.

Q. As it relates to Suárez's life, you write that he wanted his students to learn how to "look at things more from the root." What does that look like?

A. Suárez has a deep appreciation for the tradition which he has received (both legal and theological); however, he was not interested in simply reciting received truths but wanted his students to learn why this tradition was true so they would be able to apply it to answer the challenges of their own contexts. This approach was very much in the style of the education of future Jesuits—which was intended to train missionaries for very different contexts.

Q. Toward this pedagogical mission, you note that Suárez gave Christian citizens the tools to talk about law's ends in a way that "does not ignore or contradict their supernatural significance . . . by focusing on the law's natural ends." Can you explain this further?

A. When I wrote this, I was thinking a lot about contemporary debates about the "naked public square." By focusing on law's natural ends as the most important, this gives Christians a space for

shared dialogue with other Christians; however, the acknowledgement that law can *also* direct us towards growing closer to God leaves space for further discussion about the totality of what law can do and how it impacts us without foreclosing non-Christians from the conversation.

Q. I found your discussion of the "act of the will" particularly interesting, especially the deliberative process of transforming judgment into law and how this creates the "key distinction between law and coercion." Can you unpack this for me?

A. Suárez's doctrine of the will's involvement in law is one of the places where he often gets critiqued as a pure voluntarist. My hope in this chapter, which I'm not sure I accomplished, is to nuance his understanding of law's relationship to will and intellect from some of the characters. Suárez believes that law must be conceived in the mind of the lawgiver according to prudence with the end of achieving the good for the community. He worries that Machiavelli and his followers have sought to strip the law of any moral value and simply claimed that law is only determined by what the most powerful person desires. He is also worried that the Lutherans, by abolishing the difference between God's counsels (what we should be trying to do to model ourselves on Christ) and precepts (what we must do), have erased the difference between the ruler saying something is good and requiring it to be done. A law requires both will and prudence to actually be a law, not just a command to do something.

Q. You mention a concept in discussing the Jesuit versus Barthian approaches, which is a type of "directional information flow" in relation to the Church and state. This echoed one of your central themes regarding the dialogical nature of legal engagement. Can you explain this idea and how it relates to Suárez's approach to the law?

A. As a Jesuit and a Thomist, Suárez has a fairly high view of the human capacity to discern certain natural goods, based on his understanding both of the significance of Christ assuming human flesh in the Incarnation and the continuing possibility of discerning some goods appropriate for human flourishing even with the effects of sin. I argue that Suárez therefore has a particularly high view of the potential for communal

discernment of the good, which a community can discern in relationship to law and the community's proper form of life. This does not mean a community can discern the truth of salvation without divine revelation, but there is the possibility of developing a pretty good legal system, which can direct the community to some sorts of natural goods. This is also why Suárez argues that Christians can live under pagan rulers—because the good pagan rulers can still guide a fairly healthy functioning community, and a community can make some discernments about how to receive law in a way which promotes the common good even without the benefit of divine revelation. Suárez has two real life examples of this very much in mind—the Roman Empire and, most likely, the Moorish rule of southern Spain, where he himself grew up.

Q. Can you say more about Suárez's conception of the common good, especially in light of its "context-specific nature" that you note in Chapter 2?

A. Suárez's concept of the common good is exceptionally rich and nuanced (I'm very grateful for the research of Paul Pace, S.J., who really helped me understand the complexities of what Suárez is doing). So, simply because we are the kind of being that we are, we require access to certain kinds of physical and spiritual goods, both individual and communally, to flourish according to our nature; however, these goods underdetermine the fullness of human flourishing and the common good. One of the things Suárez is very aware of (and I do think perhaps the Salamancines and the Affair of the Indies are in the

background here) is arguing that the possession of these basic goods can be instantiated in different ways and in different societies and culture. So, for example, friendship is a good necessary for humans to flourish individually and communally because we are relational beings. Friendship, however, can look very different in different societies. There are types of "friendships" (abusive or exploitative) which can *never* promote human flourishing and excellence; however, there are many types of friendships, and some may be more appropriate to some societies given their basic structure and some to others. Laws, therefore, can promote different models of obtaining these basic goods, but the good lawmaker will consider which mode of achieving these good is appropriate for that context.

Q. Towards the end of the book, you link community organizing to customs of law. Can you unpack this connection?

A. There has been a lot of interest in community organizing in Christian ethics circles recently (with Luke Bretherton's work as a great example). Looking at the community-organizing world, and especially its connection to churches, I came to see how much community organizing drew on many of the same insights as Suárez about how communities can change law—especially the focus on formation of custom and dialectical engagement with the people in authority. I am by no means a scholar of community organizing or a community organizer myself, but it has been interesting to talk to some people in the community-organizing world since the book came out and hear their agreement with these principles.

MARK FOWLER, *BEAUTY AND THE LAW* (CONNOR COURT PUBLISHING, 2024). 166 PP.

*Book Review by Jeffrey A. Brauch**

Introduction

In 1917, Marcel Duchamp entered a surprising object into an exhibition held by the Society of Independent Artists in New York. It was a porcelain urinal he had bought from a plumbing fixture store. He named it *Fountain* and signed it “R. Mutt.”¹ His submission sparked controversy and a debate that continues to this day. Is *Fountain* a work of art? Is there any fundamental difference between Duchamp’s urinal and Michelangelo’s *David* or is our response to them just a matter of individual taste? Does objective beauty exist?

Such questions are at the heart of a new book by Mark Fowler: *Beauty and the Law*. The book is not a text for Philosophy 101 or an art history class. Perhaps surprisingly, it is a book for lawyers. Fowler wrote it with a lofty goal: to inspire and guide practicing lawyers “to make a contribution to the common good through their labour in the workplace” (xvii). The book stems from a series of four lectures that Fowler gave at the Lawyer’s Christian Fellowship Annual Conference in the United Kingdom in June 2024.

Beauty and the Law is an impressive undertaking. It supplies its readers with a concise introduction to the philosophical tradition that shaped the thinking of Western civilization. And it takes them deeply into the fundamental debate that has raged since the Enlightenment: Is there such a thing as objective beauty—or goodness, truth, and justice? It covers many topics and themes. But fundamentally, it accomplishes two purposes: 1) it offers a compelling

defense of the proposition that objective beauty, goodness, truth, and justice exist; and 2) it describes why this matters in practical ways to the Christian lawyer.

1. *Defense of objective beauty, goodness, truth, and justice*

Chapter 1 offers a glimpse into how Western philosophy has approached beauty, from Plato to postmodernism today. It particularly confronts the view proposed in the Enlightenment that flourishes today in a postmodern world: objective reality is unknowable. There is nothing objective about beauty; beauty is solely a matter of subjective taste. Fowler frames the key question this way: “[I]s the object beautiful simply because we perceive beauty in it (the subjective argument), or is its beauty intrinsic and universal, regardless of any value we ascribe to it (the objective argument)?” (29).² The stakes in this debate are high. If beauty does not exist outside of our subjective perception, it is impossible to make any meaningful assessment of Duchamp’s urinal or Michelangelo’s *David* other than I like one and not the other.

Fowler firmly stands on the proposition that beauty does exist outside of our subjective perception. There is objective beauty. And he insists that the objective view is the one upon which Western civilization has been built. Fowler starts in Athens where Plato identified a just community as one that lived in harmony with objective reality—found in the good, the true, and the beautiful. Fowler then takes his readers to Jerusalem (“the second great pillar defini-

* Professor and founding director of the Center for Global Justice, Regent University School of Law; author of *A HIGHER LAW* (3d ed. 2019) and *FLAWED PERFECTION: WHAT IT MEANS TO BE HUMAN AND WHY IT MATTERS FOR CULTURE, POLITICS, AND LAW* (2017).

1 *Marcel Duchamp and the Fountain Scandal*, PHILA. MUSEUM OF ART (Mar. 27, 2017), <https://press.philamuseum.org/marcel-duchamp-and-the-fountain-scandal/>.

2 He similarly expresses the question this way: “[D]oes beauty exist outside of our ascription to it?” MARK FOWLER, *BEAUTY AND THE LAW* 18 (2024).

tive of Western civilization” (7)), where he also finds beauty associated with harmony. He examines many scriptures that display God’s care for beauty throughout redemptive history—from creation, to the building of the temple, to the descriptions of the New Heavens and New Earth. Each ties beauty objectively to God’s beauty, glory, and eternal will.

One might pause here and ask: In a book for lawyers, why is the focus on beauty? Why not turn immediately to the existence of objective truth or justice? Fowler offers several answers.

First, he insists that beauty itself is critical. God made us to experience and enjoy beauty. Indeed, it is “fundamental to the fulfillment of our human nature” (16).

Second, Fowler maintains that whether objective beauty exists is closely tied to whether there is objective good, truth, or justice. In making this argument, Fowler employs a definition of beauty that flows throughout the book. To be beautiful is to be in harmony with what is eternally fitting, good, and right (8-9).³ He illustrates this with a biblical account to which he returns several times in the book: the woman in Bethany who anoints Jesus with expensive perfume near the end of His life. In response to criticism that the act was wasteful, Jesus responded: “She has done a beautiful thing to me.”⁴ Why was her act beautiful? In anointing Jesus for his coming burial, she acted “in pleasant alignment with what is eternally fitting and good for that precise moment” (8).

Just as it is beautiful to do what is right and just, to act unjustly is to destroy beauty. The Psalms, for example, picture injustice as smashing the paneling of the Temple and defiling its beauty.⁵ Conflict and injustice are out of harmony with God’s created order.

Third, Fowler insists that if there is no objective beauty, there is no objective truth or justice either. This is closely related to the last point. There is a reason the Greek philosophers

sought a community that pursued the good, the true, and the beautiful. That is a community living in harmony—“in ultimate coherence with objective reality” (7). But if the Enlightenment/postmodern view is right, there is no objective reality: “there is no such thing as beauty in art, and thus there is no such thing as her correlates, truth or the good” (27). This should be of grave concern to the lawyer:

[I]f we reject the notion of beauty, what is to hold back to rejection of truth or the good? The rejection of any one of the three transcendentals leads to the rejection of any of the others. . . . But what then, the lawyer must ask, is to hold back the rejection of justice? (39).⁶

2. *How does this matter to the Christian lawyer?*

Fowler is not a philosopher, nor are his intended readers. So, the bulk of *Beauty and the Law* is devoted to exploring why objective beauty, goodness, and truth matter to the everyday lawyer. He gives at least three reasons.

a. *The justice system itself is premised on the existence of objective beauty, goodness, and truth.*

First, the lawyer’s role only makes sense if objective beauty, goodness, and truth exist. These, indeed, are the foundations of our system of justice. In Chapter 2, Fowler relates a compelling story of his visit to the Genocide Museum in Kigali, Rwanda. The museum recounts the events of the horrific 1994 genocide in which Hutus killed 800,000 Tutsis and moderate Hutus over a 100-day period. The genocide was carried out by ordinary people who wielded machetes and nail-studded clubs against friends, neighbors, and co-workers.⁷ Fowler heard something powerful as he looked at pictures of the faces of children who were victims of the evil of that time. It was a cry for justice. And that causes him to exclaim:

3 “That which is in harmony with God’s will is beautiful.” *Id.* at 9.

4 Mark 14:6; Matthew 26:10. All Scripture references are to the ESV unless otherwise noted.

5 Psalm 74:4-8; FOWLER, *supra* note 2, at 55.

6 This is one of the great contradictions of postmodernism. While postmodernists rail against injustice, they have no objective standard upon which to evaluate what is just or unjust.

7 *Rwandan Genocide of 1994*, BRITANNICA, <https://www.britannica.com/event/Rwanda-genocide-of-1994> (last visited Apr. 14, 2025); JEFFREY BRAUCH, *FLAWED PERFECTION: WHAT IT MEANS TO BE HUMAN AND WHY IT MATTERS FOR CULTURE, POLITICS, AND LAW* 1-2, 100-01 (2017).

[T]he cry for justice of the families of those small Rwandan children living on in the remembrance inspired by the genocide memorial makes postmodernism's claim that there is no truth, no beauty, and no good a cruel, depraved and monstrous distortion. Plainly stated, if there is no objective truth or reality, what possible account can we provide for seeking justice for the victim? In these ways the cry for justice defies the postmodern account (47-48).

The cry Fowler heard in Kigali was the same one heard—and voiced—by the founders of the modern human rights movement in the wake of the atrocities of World War II. Then it was phrased “never again!” Never again should we allow one people to seek to destroy the very existence of another. Never again should we accept the atrocities that were perpetrated throughout World War II. This conviction led to the creation of the Universal Declaration of Human Rights and the human rights treaties and enforcement bodies that followed. And it prompted the establishment of the Nuremberg trials. There is moral right and wrong. There is objective goodness, truth, and justice. And individuals and nations are to be held accountable to it.

But the pursuit of objective beauty, goodness, truth, and justice isn't just for occasions of mass atrocity. It is seen in the everyday functioning of our justice system. Fowler insists that pursuit is evident in every criminal law case:

On the steps of the courthouse following the delivery of judgment the families of the victims customarily say one of two things: “justice was served here today,” or “justice was denied here today.” Their personal encounter with injustice presents a direct retort to postmodernism's claim that there is no truth, no good and no beauty (46).

Our justice system proclaims that there is right and wrong. There is truth and falsity—with consequences for perjury. Individuals are held accountable for violating society's standards of justice. Indeed, the entire justice system—and our role as lawyers within it—pre-

sumes that there are things such as objective truth and justice. This is the very basis of the rule of law. “Our legal system only assures confidence in the rule of law when the outcome that the judge delivers from the bench aligns . . . not with the *world for us* (the subjective sense of the respective parties), but with the *world as it is in essence* (objective reality)” (72).

b. Lawyers testify to ultimate truth and justice.

The second reason why objective beauty, goodness, and truth matter relates to one of the crucial roles Fowler believes Christian lawyers play: we testify to the ultimate truth and justice of the Kingdom of God. As much as our human legal systems pursue objective justice, they inevitably fall short. There is only one kingdom in perfect harmony with true beauty, goodness, truth, and justice—and where these fundamentals will be perfectly displayed without the corrupting presence of sin: the Kingdom of God. Fowler says, “It is this vision of justice that the Christian lawyer in her creative acts of beauty provides a window onto” (98).

Helpfully, in Chapters 2 and 3, Fowler gives several examples of how Christian lawyers provide glimpses of the Kingdom's ultimate beauty, goodness, truth, and justice. As criminal prosecutors or defenders of survivors of oppression, “[t]he Christian lawyer is uniquely able, indeed burdened, to bring a vision of God's ultimate reality to those with a lived experience of injustice, those victims of evil on the steps of the court seeking justice” (99). Lawyers working in nonprofit law can provide a “framework for just or charitable acts” (68). Advocates producing “deftly crafted legal arguments” or judges producing refined judicial opinions can testify to objective beauty as they display harmony and order (66). Even code drafters can “achieve elegance and beauty” as they display “completeness and internal consistency” (67).

Fowler's point is that many everyday acts of lawyers can give glimpses of the ultimate beauty, truth, goodness, and justice that will be seen in their fullness in the Kingdom of God someday. He notes that there is a natural desire for all humans—and certainly lawyers—to leave a legacy through their work. By testifying to the Kingdom to come—and giving glimpses of it—the Christian lawyer can make “a permanent, eternal offering” (94).

c. *Lawyers contribute to the common good of their communities today.*

Fowler does not believe that the lawyer's only function is to testify to the beauty to come someday. No, he insists that lawyers have a crucial role in contributing to the common good of our communities today. In keeping with the book's focus on beauty, Fowler conceives of the lawyer's role as an architect who deploys creative skills to serve others. "[O]ur creativity may make a contribution to our clients, and to the wider society" (76).⁸

In Chapter 4, to assist Christian lawyers in using their creative skills to advance the common good, Fowler lays out a Christian political philosophy. The centerpiece of this philosophy is the rejection of what he calls the "besetting sin of the liberal state": "the impulse of the liberal state to encourage its citizens to look to it for salvation" (105). Fowler insists that Scripture instead warns against trusting in any human authority—whether a king or a democratic majority (107-12).

Fowler embraces Augustine's view that Christians must embrace their identity as citizens of the Kingdom of God who are sojourners here. That doesn't mean we have no meaningful role to play. We are neither tourists here (snapping pictures and grabbing all the temporary delights we can) nor preppers (hunkering down and waiting for Jesus to return and take us to the Kingdom that really matters). Instead, we are to be like Daniel who, though a stranger in a strange land, proved to be an enormous blessing to both the Babylonian and Persian empires into which God placed him. Fowler rightly notes that Daniel followed the Prophet Jeremiah's

guidance to seek the peace and prosperity of the nations in which he found himself.⁹

Fowler would have today's Christian lawyer do the same. While our ultimate citizenship is in Heaven—and ultimate beauty, goodness, and truth will only be achieved there—through our work we can contribute significantly to the peace, prosperity, and justice of the communities in which we find ourselves. We have a critical role in pursuing—and helping others pursue—the common good.

Conclusion

Beauty and the Law is an ambitious undertaking, delving into deep philosophical concepts but never losing sight of practical application. Fowler rightly insists that the book is for lawyers, not philosophers. That said, the more philosophical sections of the book demand careful reading and attention. But Fowler knows his readers will learn most by digging deeper into the philosophical concepts and meditating on them or discussing them with others. And, to that end, he helpfully includes discussion questions at the end of each chapter.

At the end of the day, Fowler offers Christian lawyers an inspiring vision of what their professional lives are and can be. In an age when depression, alcoholism, and drug use among lawyers are at alarming rates, Fowler offers purpose and meaning. He locates our work squarely within the centuries-long quest to pursue beauty, goodness, and truth. He encourages us that we can both make an offering to God of eternal consequence and contribute meaningfully to the common good of our communities today. The investment of time in reading and contemplating *Beauty and the Law* is well worth it.

8 Fowler says that the Christian lawyer must exercise that creativity with two audiences in mind: the client, to whom we owe a duty of loyalty, and God, "from whom all beauty flows." FOWLER, *supra* note 2, at 89.

9 Jeremiah 29:1-7.

SCOTT HERSHOVITZ, *LAW IS A MORAL PRACTICE* (HARVARD UNIVERSITY PRESS, 2023). 256 pp.

*Book Review by Myron Steeves**

Scott Hershovitz sets forth in his book, *Law is a Moral Practice*, a compelling argument for suggesting that lawmaking is infused with a moral purpose, as is rule making in daily life. On page 74, he sets forth one of his own rules, directed towards anyone who reads his book. Rule 3 of these rules is “After you read this book, you must write a favorable review.” Notwithstanding the fact that later, on the same page, he acknowledges that this rule is “ridiculous,” this rule will be followed herein. The book is a very worthwhile read.

Hershovitz sets forth a distinct summary of contemporary jurisprudential thought, as developed over the last century, which is engaging and is vividly described with great clarity. It is a work that can be readily understood by those who are not necessarily well-versed in jurisprudence, or philosophy generally. There is great value in attorneys engaged in regular law practice to look at jurisprudence closely, to understand the moral contribution to the development of law. In understanding the context in which attorneys practice, a very practical sense of why attorneys do what they do can enrich their profession. That is particularly true for the Christian attorney, although many never study jurisprudence carefully. While it is a topic touched on in some law school classes, the practitioner can gain a great deal from considering the moral nature of the profession after having served clients for several years.

Hershovitz starts his presentation of his thesis with a lengthy discussion of the rules that apply to his children while dining at home. From this, he extracts the moral nature of this form of rulemaking and enlarges the concept to the legal field. He addresses the fact that not all laws themselves are morally justified, but rather that the law is intended “for adjusting our moral relationships.” By morality, he means “the part of practical reason that concerns what we owe each

other; that is, it’s the part that deals with rights and wrongs.”

While the author does not go deeply into details of specific fields of law, his point can be recognized, and very likely affirmed, by looking back at each attorney’s study of Article II of the Uniform Commercial Code in contracts during the first year of law school. Some of the provisions in the UCC go into excruciating detail about what is binding in an agreement. Yet even the novice student does not draw a conclusion that these rules are arbitrary. Rather, they seem wise, because they align with a sense of what would make a right and just result in a contract dispute.

The moral basis of our laws is worthy of consideration continually by those who are proficient in seeing the law at work. No one is better suited to this than the attorney who has been applying the law in both litigation and transactional work for many years. Because the passage of time has tested many laws so that few are necessarily in need of revision, they nonetheless should be examined to determine if the moral result desired is still being met by the current legal regime. An example of this, not addressed by Hershovitz, but nonetheless illustrative, is the statute of limitations. That requirement prohibits rectification of wrongs. There are many instances when delay in discovering facts or the setting of priorities means that a court may not make an injured party whole. In many instances, this is a clear denial of justice. However, were there not a statute of limitations, the number of cases filed long after the evidence has disappeared or gone stale would skyrocket. For this reason, we consider statutes of limitation morally justified, even though they prohibit many claims that would bring equity. It is always worthwhile for practitioners to review and consider all aspects of the law, to feed into the discussion in the larger cul-

* Founder and chief executive at Church Law Center in California. He is the dean emeritus at Trinity Law School, a Christian law school devoted to championing a biblical view of human law and government.

ture of whether our laws are primarily advancing or diminishing our moral order.

The book very clearly avoids addressing religious values directly, although they are easily inferred by the reader. Hershovitz does not disclose his own religious views, and he appears to go to great lengths to avoid his book being one of religious judgment. There is one oblique reference to a religious participant in legal judgments, and one glaring omission of a religious source that indicates this. The book includes an entire chapter on Alabama Supreme Court Justice Roy Moore, notable and well-known for his insistence on displaying the Ten Commandments in public places, which ultimately led to the end of his judicial career. While the chapter is significantly non-judgmental, and merely descriptive of Justice Moore's history, the chapter does begin with an irrelevant story about Moore being called a "fruit salad" by a professor in law school. This seems to be a subtle statement that Hershovitz is not describing Moore at length to praise him.

The omission is the absence of acknowledgement of Thomas Aquinas' foundational teaching on the rectitude of human law. Much of the book's discussion of what makes good law is so similar to what Thomas Aquinas thought that a more robust reference to that would have been welcome. For example, Hershovitz mentions that, to be just, human laws must be disseminated to the world that is bound by them. This is so well-argued by Thomas that a citation to him would have been warranted. As it is, there is only one reference to Thomas Aquinas in the book, and that is where Hershovitz states, without any real argument, that he does not think Thomas is right in saying that human law is derived from natural law. While he is certainly not alone in drawing that conclusion, a discussion of that would have contributed to the central theme of the book.

The book ends with a lengthy appendix, which includes a "Frequently Asked Questions" section. That section is well worth reading, after having read the body of the work, as it does provide some more clarity on Hershovitz's own

views. He acknowledges that he is a positivist, but that Ronald Dworkin was correct in stating that among four key concepts of law—the doctrinal, the taxonomic, the sociological, and the aspirational—moral facts are a foundation to doctrinal analysis. That is acknowledging a great deal.

He also clearly states that he is not a natural lawyer, primarily because a core foundational view of his, which is advanced throughout the book, is that legal practices are the source of morality, rather than morality the source of legal practices. Yet he does acknowledge, and claims the support of legal positivists, that there are moral principles independent of the law that add "significance" to the effort of legal practices to "adjust" moral requirements. That goes a long way down the path of natural lawyers.

Ultimately, Hershovitz bristles at the axiom that he associates with natural lawyers that an unjust law is not a law. He is indeed correct that that axiom has been advanced within the Christian Church. St. Augustine made that statement in a treatise on evil that dealt with sin generally and not civics. In contrast, Thomas Aquinas addresses the issue of bad law in a treatise on law itself in the *Summa Theologica*. That context allows for a greater nuance than Hershovitz gives credit to natural lawyers for. But then, in fairness, he was not intending to write a theological work. He does acknowledge being both a natural lawyer and a positivist in some senses. For that reason he states, "That's why I'd prefer we leave these labels alone." Taken in the context of the entire book, Hershovitz is not far from the kingdom of natural lawyers!

Attorneys in law practice would benefit greatly from reading *Law as a Moral Practice*. It is a good and accessible book for those whose busy practices have kept them from being well-read in the many highly influential jurisprudential scholars that have shaped legal thought in the last 100 years. The book is interesting, entertaining, well-argued, and insightful. For those who truly enjoy the book, it can be a gateway into reading various other jurisprudential authors who are referenced throughout the book.

ROBERT F. VAN BREDERODE, ED., *CHRISTIAN PERSPECTIVES
ON THE ROLE OF THE STATE, JUSTICE, AND TAXATION*
(SPRINGER NATURE, 2025). 498 pp.

*Book Review by Robert W. McGee**

Dr. Robert F. van Brederode's latest book makes a welcome contribution to Christian views on three important topics—the state, justice, and taxation. It adds to his already well-received books, *Political Philosophy and Taxation* (Springer, 2022) and *Ethics and Taxation* (Springer, 2020), both of which are relatively neglected topics in the social science and humanities literature. It will likely be used as a reference for years to come. I know I will refer to it on a regular basis whenever I write something on any of these topics.

The persons and subject indexes are especially good. They make it easy for scholars to find what has been written on a wide range of relevant topics. I was surprised to find so many references to biblical sources in the references. Theologians will find this index to be very helpful in their own research.

The selection of authors is diverse, both geographically and in terms of discipline and area of expertise. Contributors have backgrounds in law, theology, and history and come from the United States, Australia, Denmark, Italy, the Netherlands, and the United Kingdom, which allows the readers to become exposed to several different perspectives.

The book is divided into four parts, arranged more or less chronologically, making it possible for readers who want to read the entire book to start at the beginning and proceed through each chapter. Scholars who want to focus on a particular time period or topic within a time period can skip around easily.

Part I will be of interest for scholars who want to learn about the early Christian church views through the Middle Ages. The first chapter in this part includes a discussion of the issues from a Jewish perspective, which is the foundation of Christianity. There are also chapters that discuss the views of some of the major early thinkers, such as Lactantius, an early Christian scholar

who advised Constantine I, a Roman Emperor. Thomas Hughson discusses his views on conversion, taxes, and sovereignty. The chapter on Saint Augustine is written by van Brederode, who focuses on his writings on taxation and political and social philosophy. Thomas Aquinas, another church father, is known for his views on many topics. Jane Frecknell-Hughes and Hans Gribnau examine his views on justice, the state, and taxation. The Franciscan economic and political philosophies of John Duns Scotus are investigated by William Crozier. William of Ockham, who is known for Ockham's Razor, also spoke about tax, power, and service. His views on those issues are covered by Dr. Allen Calhoun.

Part II consists of four chapters that examine the views of prominent Reformation theologians. Paolo Astorri discusses Lutheran views on taxation and the state. Calhoun provides an excellent overview of the clash between divine sovereignty and the civil kingdom and the reforms that took place during that period regarding taxation and the state. Vincenzo Lavenia discusses moral theology and taxation of the late Spanish scholastics, focusing on the work of Juan De Lugo. Thomas Greg Collins examines the views of Erasmus on taxation, who takes a Christian humanist perspective. Erasmus is one of the most prominent figures of the era who gave proposals on tax policies to a secular leader.

Part III consists of two important chapters on Eastern Orthodox and Anglican perspectives of the state and its right to tax. P.T. Babie follows the Eastern Orthodox approach to the development of moral principles, which are built on a combination of biblical teachings and tradition. Babie also provides a Patristic reflection on tax justice that draws heavily on the work of Clement of Alexandria and Saint John Chrysostom. Malcolm Brown looks at taxation and the state from an Anglican perspective. His task is made difficult by the fact that not much has been written on the

* Professor, Fayetteville State University.

ethics and theology of taxation from an Anglican point of view, which makes his contribution to the literature even more valuable.

Part IV consists of two chapters that provide modern theological perspectives. W. Edward Afield reviews the Catholic view, which he finds frustrating because the Vatican has not said much on this issue in recent years. He circumvents this obstacle by focusing on Catholic thought on taxation from the late nineteenth century to the present. He mentions *Rerum Novarum*, an encyclical written in 1891 by Pope Leo XIII, which addresses the tension between the rights of the individual and their obligation to support the state.

Susan Pace Hamill discusses the contemporary views of evangelicals and various Protestant denominations. According to her view, a moder-

ately progressive tax system is needed to allocate society's resources justly and to allow everyone an adequate opportunity to reach their potential. The U.S. Presbyterian Church and the United Methodist Church support this view, but other churches either do not agree with this view or do not speak on the issue of just taxation at all.

This book provides an excellent mélange of Christian views on justice, taxation, and the role of the state. It is worth reading by anyone who is interested in the relationship between the individual and the state and the obligations of each, from a variety of Christian perspectives. It also serves as an excellent reference for scholars who conduct research in this area, whether from a public policy, public finance, or religious perspective.

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