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A Response to Dean Herbert W. Titus

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RESPONSE

SEEK A RIGHT VIEW OF THE BIBLE—A BIBLICAL AND THEOLOGICAL RESPONSE TO HERBERT W. TITUS AND SOME LESSONS FOR CHRISTIAN LAW STUDENTS

Michael J. DeBoer[†]

I. INTRODUCTION

In his Lecture *The Bible and American Law*,¹ Dean Herbert W. Titus presents his perspective regarding the place of the Bible in Anglo-American law, government, and legal education, a subject he has been thinking and writing about for several decades.² Additionally, for nearly thirty years, he taught at five different law schools, and he was the founding dean of two

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1. On October 27, 2006, Dean Titus delivered his Lecture as part of the 2006-2007 Speakers’ Forum at Liberty University School of Law. Initially his Lecture was entitled, “The Bible: God’s Law Book for the Nations.” See *The Bible: God’s Law Book for the Nations*, <http://www.liberty.edu/academics/law/index.cfm?PID=12501> (last visited Sept. 6, 2008). Although the title changed to “The Bible and American Law,” it would appear that his Lecture still advances the basic thesis suggested by the original title that the Bible is God’s law book for the nations.

2. Dean Titus has written extensively on this subject. See, e.g., HERBERT W. TITUS & J. THOMPSON, *AMERICA’S HERITAGE: CONSTITUTIONAL LIBERTY* (1987); HERBERT W. TITUS, *GOD, MAN AND LAW: THE BIBLICAL PRINCIPLES* (1994) [hereinafter *GOD, MAN, & LAW*]; Herbert W. Titus, *The Power of Each State*, in MARK I. SUTHERLAND ET AL., *JUDICIAL TYRANNY—THE NEW KINGS OF AMERICA 163-78* (2005); Herbert W. Titus, *The Declaration, the Constitution, and the Laws of Nature and Nature’s God*, in *THE LAW OF NATURE AND NATURE’S GOD: THE ULTIMATE LAW* (1992); Herbert W. Titus, *Winning the War Against AIDS: Our Nation’s Response vs. a Biblical Response*, in F. PAYNE, *WHAT EVERY CHRISTIAN SHOULD KNOW ABOUT THE AIDS EPIDEMIC: THE MEDICAL & BIBLICAL FACTS ABOUT AIDS* (1991); Herbert W. Titus, *Education, Caesar’s or God’s: A Constitutional Question of Jurisdiction*, *J. OF CHRISTIAN JURISPRUDENCE* (1982); Herbert W. Titus, *God, Evolution, Legal Education and Law*, *J. OF CHRISTIAN JURISPRUDENCE* (1980); Herbert W. Titus, *God’s Revelation: Foundation for the Common Law*, 4 *REGENT U. L. REV.* 1 (1994); Herbert W. Titus, *Moses, Blackstone, and the Law of the Land*, 1 *CHRISTIAN LEGAL SOCIETY QUARTERLY* 5 (1980); Herbert W. Titus, *No Taxation or Subsidization: Two Indispensable Principles of Freedom of Religion*, 22 *CUMB. L. REV.* 505 (1991-1992); Herbert W. Titus, *Religious Freedom: The War Between Two Faiths*, *J. OF CHRISTIAN JURISPRUDENCE* (1984/1985).

Christian graduate and professional schools—the School of Public Policy and the School of Law at Regent University in Virginia Beach, Virginia. Thus, Dean Titus brings a perspective grounded in many years of reflection and experience in training law students.

In his Lecture, Dean Titus presents a simple, straightforward thesis that God the Creator has in the Bible laid down the rules that govern all humankind and all civil governments. In developing his thesis, Dean Titus articulates several basic premises: God is the Creator of every human being and every nation;³ God as the Creator imposes the rules (his law) that govern humans and civil society in every nation;⁴ every human is bound to obey God's rules;⁵ God is the source of law and has revealed his law in the Bible;⁶ law is thus rooted in God and the Bible;⁷ and God's law must therefore govern the United States of America and be the source of American law.⁸ In advancing this thesis, Dean Titus appears to be propelled by a few specific concerns: (1) defending the relevance of the Bible to American law and legal education; (2) highlighting jurisdiction as a biblical principle that limits civil government; and (3) articulating certain basic principles he finds in the Bible and believes underlie American law.

In offering his theory of law and government, Dean Titus participates in the great Christian theopolitical tradition that has influenced and shaped Western legal and political thought for nearly two millennia.⁹ Although many Catholic and Protestant Christians would find much in these basic premises with which to agree, Dean Titus goes beyond these basic premises to touch on a range of religious, moral, social, policy, and legal issues. As to these additional issues, grounds for disagreement arise. This Response does not, however, attempt to

3. Herbert W. Titus, *The Bible and American Law*, 2 LIBERTY U. L. REV. 305, 305-06 (2008) [hereinafter Titus Lecture].

4. *Id.*

5. *Id.*

6. *Id.* at 305-06, 308. During the Question and Answer Session, Dean Titus adds that God's law is also written on the heart of every human being and is thus revealed in the law of nature. *Id.* at 324.

7. *Id.* at 305-06, 308.

8. Titus Lecture, *supra* note 3, at 310-12.

9. The Christian theopolitical tradition, which developed from the patristic period through the modern period, signifies an effort by Christian thinkers to understand the application of theological themes such as creation, fall, redemption, Christology, ecclesiology, and eschatology and of Old Testament and New Testament teachings to legal and political thought. Theologians Oliver O'Donovan and Joan Lockwood O'Donovan have prepared an excellent collection of Christian writings from this tradition that shed light on Christian understandings of law and government. See FROM IRENAEUS TO GROTTIUS: A SOURCEBOOK IN CHRISTIAN POLITICAL THOUGHT (Oliver O'Donovan & Joan Lockwood O'Donovan eds., 1999).

address this wider range of issues; rather, it addresses several key pieces of Dean Titus's understanding, including the "dominion mandate," jurisdiction as central to the "lawful use of law," the Bible as God's law book for "the nations," and law, government, and the place of love. This Response begins, however, with a review of Dean Titus's basic arguments and the points he offers in support.¹⁰ It then evaluates several of his central points regarding law, government, and the Bible,¹¹ and it concludes with some lessons for students attending a Christian law school.¹²

Consideration of these matters is especially relevant for students at Liberty University School of Law. This law school has the unique mission to "equip future leaders in law with a superior legal education in fidelity to the Christian faith expressed through the Holy Scriptures,"¹³ and it has committed itself "to academic and professional excellence in the context of the Christian intellectual tradition."¹⁴ In other words, the Christian faith, the Bible, and the Christian intellectual tradition provide rich resources that enhance the study of law by facilitating the critical examination of law from the perspective that inspired the development of the Western legal tradition and by providing standards against which to measure all thought and practice.¹⁵

II. A SUMMARY OF DEAN TITUS'S LECTURE

In building his argument that the Bible is relevant to the study and practice of law in America, Dean Titus early on cites Sir William Blackstone's *Commentaries on the Law of England*. Dean Titus notes that Blackstone started with the Genesis account of God's creation of humans and that Blackstone provided a perspective on law and government that was grounded in the Bible and exhibited an understanding that God's revelation in the Bible provides a standard outside of humans.¹⁶ Dean Titus then proceeds to explain

10. See *infra* Section II.

11. See *infra* Section III.

12. See *infra* Section IV.

13. Liberty University School of Law, *Mission Statement*, <http://www.liberty.edu/academics/law/index.cfm?PID=3813> (last visited Sept. 6, 2008) [hereinafter *Mission Statement*].

14. Liberty University School of Law, *About the Law School*, <http://www.liberty.edu/academics/law/index.cfm?PID=4932> (last visited Sept. 6, 2008).

15. The law school's vision statement explains that "fidelity to the Christian faith" means "[a]dhering to the perspective that shaped the Western Legal Tradition" and "[e]xpressed through the Holy Scriptures" involves "[p]ursuing truth in a context of free thought and expression informed by a standard." *Mission Statement*, *supra* note 13. Furthermore, the law school seeks to "prepare its students to think, analyze, and communicate through the analytical grid of a comprehensive Christian worldview." *Id.*

16. Titus Lecture, *supra* note 3, at 305-06.

his theory of law and government, which he bases upon several biblical passages. To support his point that God the Creator has laid down in the Bible the law that governs all humankind and the civil society of every nation, Dean Titus turns to the biblical stories of Noah and the tower of Babel to account for the beginning of “the nations,” by which he means civil government.¹⁷ He urges that the Bible must be read as it relates to “the nations,” which are composed of believers and unbelievers.¹⁸ In discussing the relevance of the Bible to “the nations,” he looks to the Apostle Paul’s teaching that the law is good if it is used lawfully,¹⁹ and he highlights jurisdiction as a key principle in the lawful use of the law.²⁰

In developing his argument regarding jurisdiction, Dean Titus uses the familiar passages in the Gospels according to Matthew and Luke in which Jesus instructed his Jewish listeners to render to Caesar what is Caesar’s and to God what is God’s.²¹ He also finds a jurisdictional distinction in the answer of the chief priests to Pilate regarding whether Jesus should be crucified—“we have no king but Caesar.”²² According to Dean Titus, the Bible sets the standard regarding what belongs to God and what belongs to Caesar, and God and his revealed Word alone can measure the lawful use of law.²³

Throughout the remainder of his Lecture, Dean Titus explores the limits of civil government jurisdiction—what civil government may and may not lawfully do. One of the first duties of civil government is to “secure to the people those duties that rightfully belong to God exclusively.”²⁴ After civil

17. *Id.* at 309 (citing *Genesis* 11).

18. *Id.*

19. To support his argument, Dean Titus cites Jesus’ dialogue with a lawyer in which Jesus told the parable of the good Samaritan. Dean Titus remarks that the lawyer had the wrong understanding of the law of love, and he asserts that the parable confirms Paul’s point “that in order to act lawfully, we must know the lawful use of the law.” *Id.* at 309-10. From his remarks, it is not entirely clear how Dean Titus understands this parable to support his “lawful use of law” argument. He proceeds to a discussion of civil government jurisdiction, and then he returns to the parable of the good Samaritan in setting up his argument that love must be wholly voluntary and unconditional and that “the very nature of civil power undermines the law of love.” *Id.* at 314. For additional discussion of the parable of the Good Samaritan, see *infra* notes 241-247 and accompanying text.

20. Titus Lecture, *supra* note 3, at 309-10 (citing 1 *Timothy* 1:8-10). Dean Titus asserts that Paul observed that the law is not for believers, but for unbelievers, although this interpretation has some problems based upon the Greek terms employed by Paul in 1 *Timothy* 1:9-10. *Id.* at 309. For a more in depth discussion of this passage, see *infra* Section III.B.

21. Titus Lecture, *supra* note 3, at 310. See *Matthew* 22:15-22; *Luke* 20:20-26.

22. *Id.* at 310. See *John* 19:15-16.

23. *Id.* at 310-11.

24. *Id.* at 321.

government has secured the rights and duties related to God, civil government must take care to observe what it “may lawfully do and what [it] cannot do, as revealed by Scripture[,] to protect human life, to secure the human family order, and to protect private property.”²⁵

In exploring his view of what the government cannot do, Dean Titus turns to the teaching of *Romans* chapter thirteen, verse four that civil rulers are God’s servants to punish wrongdoing. From this verse, Dean Titus concludes that civil government is authorized to wield the sword against wrongdoing and that civil government has authority only over what a person does, not who a person is. Because God has exclusive jurisdiction over who a person is, civil government has no jurisdiction over a person’s being. Dean Titus applies this understanding to the criminal law context, urging that the government can punish a person only for doing what is wrong (i.e., for committing a criminal act or failing to act when under an obligation to act).²⁶

According to Dean Titus, the government does not have jurisdiction over all conduct; its authority extends only to “civil” conduct, which he distinguishes from “moral” conduct and “faith” conduct.²⁷ In arguing that the Bible distinguishes between “civil” conduct and other conduct, he posits that God has designed some human relationships to be governed by force and others by love.²⁸ Civil government has jurisdiction over relationships governed by force (“civil” conduct), but not over relationships governed by love (“moral” or “faith” conduct). For Dean Titus, the nature of love is such that it must be grounded in voluntary and unconditional action.²⁹ Citing as an example the marriage relationship between a husband and a wife, he argues that if the government requires loving acts between spouses, the acts themselves cease to be loving.³⁰ Thus, “the very nature of civil power undermines the law of love. It undermines it. It destroys it. It means that no longer is it governed by love[;] it is governed by fear of what the civil ruler might do if caught.”³¹ Likewise, the government does not have jurisdiction over opinions, truth propositions, or professions, which are under God’s jurisdiction.³²

In exploring what the civil government can do, Dean Titus discusses several primary duties. Citing the example of Cain killing Abel and the consequence

25. *Id.* at 322.

26. *Id.* at 311-12.

27. Titus Lecture, *supra* note 3, at 312.

28. *Id.* at 312-13.

29. *Id.* at 313.

30. *Id.* at 313-14.

31. *Id.* at 314.

32. *Id.*

that Abel was thereby prevented from fulfilling his dominion mandate, he argues that the first duty of government is to protect human life, which God has created in his image.³³ Although murder was unlawful before the Noahic covenant, God in *Genesis* chapter nine, verse six “authoriz[ed] the creation of civil government and command[ed] the civil rulers to protect innocent human life by implementing the death penalty for murder.”³⁴ Because people who are deprived of their inalienable right to life are deprived of their authority to exercise dominion and are prevented from fulfilling their dominion-related duties, God in his new covenant with Noah, “the father of nations,” created civil government and authorized the death penalty as additional protection of the sanctity of human life.³⁵ According to Dean Titus, the Noahic covenant had a two-fold purpose: “(1) To stop the unauthorized imposition of the death penalty by vigilantes . . . who used the law as a tool of personal vengeance, contrary to God’s law prohibiting such action; and (2) To protect those who did ‘good,’ those who were obeying the commandments of God”³⁶ Drawing upon the Apostle Paul’s instruction regarding civil government’s commendation of those who “do good,” Dean Titus defines the doing of good as obeying God’s commandments and being fruitful, multiplying, and exercising dominion, which Dean Titus describes as the dominion mandate.³⁷

In the dominion mandate (specifically the “command” to be fruitful and multiply), Dean Titus finds another duty of civil government to protect and foster the family and to secure the human family order.³⁸ Based upon this, Dean Titus defends the traditional definition of marriage and argues that the dominion mandate cannot be fulfilled outside the family relationship.³⁹ He also argues that sexual behavior is “civil” conduct within the jurisdiction of civil government, that sexual behavior has implications for “the economic survival of any nation,” and that sexual behavior is not simply a matter of Christian morality.⁴⁰

33. Dean Titus calls this the first duty of government, but he also argues that civil government has a primary duty to secure human rights and duties related to God. *Compare* Titus Lecture, *supra* note 3, at 316-17 with Titus Lecture, *supra* note 3, at 321. Thus, Dean Titus’ enumeration of this as the first duty of government seems to follow after the primary duty of civil government to secure rights and duties related to God.

34. *Id.* at 315.

35. *Id.* at 315-18.

36. *Id.* at 315-16.

37. *Id.* at 316.

38. *Id.* at 318-320.

39. Titus Lecture, *supra* note 3, at 319.

40. *Id.*

In discussing liberty, Dean Titus distinguishes between liberty and license, between freedom and ability.⁴¹ Pointing to Adam and Eve as examples of license and Jesus as the example of perfect freedom, Dean Titus instructs that Jesus showed the law of liberty by “choosing to obey the Father, choosing to be and to do as God had created Him to be and to do.”⁴² Additionally, Dean Titus finds in the dominion mandate a duty of civil government to secure private property. God put humans in the Garden of Eden to work, and from this work comes produce. Thus, God created civil government to secure a person’s rightful ownership of property, the product of human labor.⁴³

Dean Titus sums up his views on law and the dominion mandate by stating that “the Bible teaches the principles underlying property ownership, use and enjoyment, and those principles lay at the foundation of property, contract, and tort law.”⁴⁴ He adds that “all [of] the subjects that are studied in the first year of law school relate directly or indirectly to the dominion authority that God has granted to mankind and the role of civil government to foster and secure that authority.”⁴⁵ Dean Titus concludes with several exhortations to Christian law students preparing for public service and careers in the legal profession. First, Christians must know what they believe and why they believe it as lawyers. Second, Christians need to understand the Bible as it applies to law and civil government. Third, in law, in courtrooms, and in law offices, Christians must be ministers of truth who understand how the Bible relates to the work lawyers do. Fourth, Christians must develop a biblical understanding of the substantive law and be committed to the ethical principles that should guide each Christian’s practice of law.⁴⁶

III. A BIBLICAL AND THEOLOGICAL RESPONSE TO DEAN TITUS’S LECTURE

During the Question and Answer Session, Dean Titus invites his audience to go to the Bible and determine whether he is right about these matters. Indeed, he suggests it is his audience’s duty.⁴⁷ This Section is a response to that invitation, and it examines Dean Titus’s theory of law and government against the Bible and biblical theology. Before beginning this examination, however, it is important to highlight that this Response does not argue that the Bible is irrelevant to law and government. To the contrary, it assumes the Bible’s

41. *Id.* at 319-20.

42. *Id.* at 320.

43. *Id.* at 320-21.

44. *Id.* at 321.

45. Titus Lecture, *supra* note 3, at 321.

46. *Id.* at 323-24.

47. *Id.* at 324.

relevance. Nevertheless, embracing the relevance of the Bible is a wholly different matter from correctly interpreting and properly using the Bible. Indeed, the Bible's relevance cannot be accurately assessed without first correctly interpreting the Bible and then carefully considering how to use it properly.⁴⁸

Throughout this examination of Dean Titus's theory, several recurrent critiques will emerge:

- (1) Dean Titus repeatedly mishandles biblical passages and Christian theology.⁴⁹ In his handling of certain passages, he appears to be more intent on finding support for his theory than accurately understanding the biblical teaching and conforming his theory to it. Thus, his handling of certain passages fails in its performance of basic exegetical and interpretative tasks, which results in him reading meaning into rather than drawing meaning out of the biblical texts.⁵⁰

48. In his Reply to this Response, Dean Titus persists in his misguided view that the primary concern here is who has the more robust view of the Bible. See Herbert W. Titus, *Reply—A More Robust View of the Bible*, 2 LIBERTY U. L. REV. 407 (2008). The proper goals should be to hold a right view of the Bible and to use the Bible properly. It goes without saying that a person could hold a "robust view" of the Bible that is wrong. Thus, it is critically important for those who interpret and use the Bible to "rightly divid[e]" (King James) or "correctly handle" (NIV) the word of truth, 2 *Timothy* 2:15, for even those who have a robust view of the Bible can have a wrong view and "wander[] away from the truth," 2 *Timothy* 2:18 (NIV).

49. Dean Titus's most significant mishandling of Christian theology is found in his statement that "Jesus expressed perfect freedom by choosing to obey the Father, choosing to be and to do as *God had created Him* to be and to do." Titus Lecture, *supra* note 3, at 320 (emphasis added). Orthodox Christianity has consistently affirmed that Jesus Christ, the Son of God, is begotten of the Father, not made. See generally 1 JUSTO L. GONZALEZ, *THE STORY OF CHRISTIANITY: THE EARLY CHURCH TO THE DAWN OF THE REFORMATION* 158-67 (1984). Since the Council of Nicea, which resolved several early theological controversies, Orthodox Christianity has affirmed belief "in one Lord, Jesus Christ, the only Son of God, eternally begotten of the Father, God from God, Light from Light, true God from true God, begotten, not made, of one Being with the Father; through him all things were made." *The Nicene Creed*, in 1 OFFICE OF THE GENERAL ASSEMBLY PRESBYTERIAN CHURCH (U.S.A.), *THE CONSTITUTION OF THE PRESBYTERIAN CHURCH (U.S.A.): BOOK OF CONFESSIONS* 3 (2002) [hereinafter *BOOK OF CONFESSIONS*]. The Nicene Creed "is the most universally accepted Christian creed," finding acceptance in both Eastern and Western Christianity. GONZALEZ, *supra*, at 165.

50. Exegesis (applying the principles of hermeneutics to determine the meaning of the biblical text in its historical and literary contexts) is distinct from eisegesis (reading into the text meaning that the author did not intend). See A. BERKELEY MICKELSEN, *INTERPRETING THE BIBLE* 55-57, 158 (1963); HENRY A. VIRKLER, *HERMENEUTICS: PRINCIPLES AND PROCESSES OF BIBLICAL INTERPRETATION* 18 (1981); ROY B. ZUCK, *BASIC BIBLE INTERPRETATION: A PRACTICAL GUIDE*

(2) Dean Titus makes the important principle of jurisdiction the first of the first principles of law and government. In doing this, he puts jurisdiction before love, justice, mercy, and good faith, the first principles (“the more important matters of the law”) identified by Jesus Christ.⁵¹

(3) Dean Titus presents a narrow view of law and civil government predicated upon two distinctions. He distinguishes between being and doing and argues that civil government has no jurisdiction over who a person is, only over what a person does. He also distinguishes relationships governed by force from relationships governed by love and argues that civil government has jurisdiction over the former but not the latter. These nebulous distinctions do not have strong biblical support, and some of the passages Dean Titus cites in support of his theory appear to undercut the distinctions themselves.

(4) Dean Titus fails to place biblical law in its proper biblical and theological contexts. In his theory, he fails to distinguish among the moral law, the ceremonial law, and the civil law and to acknowledge the abrogation of the ceremonial law and the expiration of the civil law of Israel. He also fails to explain the impact of the redemptive work of Jesus Christ on biblical law and to discuss the limits of biblical law.

Thus, although this Response does not dispute Dean Titus’s basic thesis that the Bible is relevant to law and government, it finds Dean Titus’s handling of several biblical passages problematic and aspects of his theory of law and government difficult to reconcile with biblical teaching. In the end, students should engage in their own careful study of the Bible, which poses immense interpretive challenges that are accompanied by enormous responsibilities, and

TO DISCOVERING BIBLICAL TRUTH 19-22, 216-17 (1991). A biblical interpreter who finds meaning or principles in biblical texts that the authors did not intend does not convey biblical teaching. Indeed, such an “interpreter” is not interpreting the text, but rather rewriting the text to conform to his or her own ideas, wishes, or designs.

51. Jesus judged the Jewish teachers of the law for “giving a tenth of [their] spices—mint, dill and cumin[—]” but “neglect[ing] the more important matters of the law—justice, mercy and faithfulness. [They] should have practiced the latter, without neglecting the former.” *Matthew* 23:23 (NIV). The deficient approach of the legal experts rendered them “blind guides” and caused them to “strain out a gnat but swallow a camel.” *Matthew* 23:24. In a parallel passage, Jesus judged the legal experts for “giv[ing] God a tenth of [their] mint, rue and all other kinds of garden herbs, but [] neglect[ing] justice and the love of God. [They] should have practiced the latter without leaving the former undone.” *Luke* 11:42 (NIV).

should assess whether Dean Titus's theory of law and government is a properly grounded biblical understanding or whether it is simply his theory supported by clever but poor handling of select biblical proof-texts. This Section now turns to aspects of Dean Titus's theory and examines the following issues: the "dominion mandate"; the "lawful use of law"/jurisdiction principle; the Bible as God's law book for "the nations"; and law, government, and the place of love.⁵²

A. Is the "Dominion Mandate" Mandated and Wholly Intact After the Fall?

Central to Dean Titus's understanding of law and government is the so-called "dominion mandate," which he sees as "God's first great commission."⁵³ In the "dominion mandate," Dean Titus finds several divinely-given "commands" that he uses to define the duties of civil government and provide some of the substance of his political, legal, and social vision.⁵⁴ Dean Titus

52. This Section does not examine the full range of religious, moral, social, policy, and legal issues that Dean Titus mentions. Many other issues in his Lecture should be critically analyzed, but neither space nor time permits them to be analyzed here. The Author would encourage readers to study his Lecture carefully, employing the tools of reason, hermeneutics, and inductive Bible study, evaluating his express and implied assumptions, and drawing upon a comprehensive and systematic understanding of the Christian faith and the Bible.

53. Titus Lecture, *supra* note 3, at 316. Dean Titus is not the first to posit the "dominion mandate" as the centerpiece of a larger political, legal, social, and eschatological vision. *See, e.g.,* ROUSAS JOHN RUSHDOONY, *THE INSTITUTES OF BIBLICAL LAW* (1973); GARY NORTH, *DOMINION COVENANT: GENESIS* (1987); GARY NORTH, *SANCTIONS AND DOMINION: AN ECONOMIC COMMENTARY ON NUMBERS* (1996); GARY NORTH, *TOOLS OF DOMINION: THE CASE LAWS OF EXODUS* (1990). Many Christian scholars, with a range of theological views, have critiqued this vision, which might variously be described as "dominionism" and "dominion theology." *See, e.g.,* *THEONOMY: A REFORMED CRITIQUE* (William S. Barker & W. Robert Godfrey eds., 1990); H. WAYNE HOUSE & THOMAS ICE, *DOMINION THEOLOGY: BLESSING OR CURSE?* (1988), available at <http://www.hwhouse.com/office/writings/outofprint> (last visited Sept. 6, 2008); *GOD AND POLITICS: FOUR VIEWS ON THE REFORMATION OF CIVIL GOVERNMENT: THEONOMY, PRINCIPLED PLURALISM, CHRISTIAN AMERICA, NATIONAL CONFSSIONALISM* (Gary Scott Smith ed., 1989).

54. Titus Lecture, *supra* note 3, at 315-22. Certain Reformed thinkers have popularized a functional understanding of the image of God in humans that links this image to the exercise of dominion. Thus, according to this functional approach, the dominion or cultural mandate is linked to God's image in humans. Theologian Millard J. Erickson has summarized the basic thrust of this approach:

Just as Jesus sent his apostles forth into the world and commissioned them to make disciples of all persons, so God here sent his highest creature, man, out into creation, and commissioned him to rule over it. In this commission it is implied that man is to make full use of his ability to learn about the whole creation. For by coming to understand the creation, man will be able to predict and control its

also asserts that God renewed the “dominion mandate” with Noah after the great flood.⁵⁵

In evaluating Dean Titus’s teaching on the “dominion mandate,” the place to begin is with the relevant biblical passages. The “dominion mandate” is premised upon two verses in *Genesis* chapter one. In *Genesis* chapter one, verse twenty-six, God announced his purpose to “make man in our image, in our likeness, and *let them rule over*” the fish, the birds, the livestock, all the earth, and “all the creatures that move along the ground.”⁵⁶ After creating human beings (both male and female) in his image,⁵⁷ God blessed them in *Genesis* chapter one, verse twenty-eight: “Be fruitful and increase in number; fill the earth and subdue it. *Rule over* the fish of the sea and the birds of the air and over every living creature that moves on the ground.”⁵⁸ The exercising “dominion” terminology, found most notably in the King James Version, is a rendering of the Hebrew verb *radah*. In verses twenty-six and twenty-eight in the King James Version, the translation reads “let them have dominion over” and “have dominion over,” respectively.⁵⁹

In verses twenty-six through twenty-eight, humans are shown to be special creatures, unique from other creatures. They were created in God’s image with personal, spiritual, rational, relational, moral, and creative capacities. As a consequence of the divine image in humans, humans are able to know, love, and relate to God, one another, and God’s creation and to rule over aspects of God’s creation.⁶⁰ Verse twenty-eight begins with God’s blessing of humans;

actions. These activities are not optional, but are part of the responsibility that goes with being God’s highest creature.

MILLARD J. ERICKSON, *CHRISTIAN THEOLOGY* 510 (1985). This functional approach is distinct from the relational approach and the more traditional substantive approach, and each of these positions has certain strengths and weaknesses. One of the weaknesses of the functional approach is its focus on what humans do, not who they are, but it would seem that being (the substantive approach) logically precedes doing (the functional approach). *Id.* at 498-512. See also *infra* note 60 and accompanying text.

55. Titus Lecture, *supra* note 3, at 316.

56. *Genesis* 1:26 (NIV) (emphasis added).

57. *Genesis* 1:27.

58. *Genesis* 1:28 (NIV) (emphasis added).

59. *Genesis* 1:26, 28 (KJV). The Hebrew verb *radah* means to tread with feet as in a winepress, to subdue or rule over, to have dominion, rule, or dominate. FRANCIS BROWN, S. R. DRIVER, & CHARLES A. BRIGGS, *THE NEW BROWN-DRIVER-BRIGGS-GESENIUS HEBREW AND ENGLISH LEXICON* 921-22 (1979); WILLIAM GESENIUS, *HEBREW AND CHALDEE LEXICON TO THE OLD TESTAMENT SCRIPTURES* 758 (Samuel Prideaux Tregelles trans., 1949).

60. *Genesis* 1:26-27. For a general treatment of the Christian teachings on humans and the image of God in humans, see ERICKSON, *supra* note 54, at 512-17; Carl F. H. Henry, *Image of God*, in *EVANGELICAL DICTIONARY OF THEOLOGY* 545-48 (Walter A. Elwell ed., 1984); H. D.

humans were to be fruitful, to increase, to replenish and subdue the earth, and to rule over other living creatures as a blessing from God.⁶¹ A leading commentary on Genesis reflects this understanding: “The imperatives ‘Be fruitful,’ ‘increase,’ and ‘fill’ are not to be understood as commands in this verse since the introductory statement identifies them as a ‘blessing.’ The imperative, along with the jussive, is the common mood of the blessing (cf. Gen 27:19).”⁶²

Dean Titus comments that, after the great flood, God “renew[ed] His dominion covenant by commanding Noah to ‘be fruitful and multiply upon the earth’” and commanded “Noah to multiply, replenish, and have dominion.”⁶³ Dean Titus correctly observes that the *Genesis* chapter nine account records God entering into a covenant with Noah and blessing Noah and his sons: “Be fruitful and increase in number and fill the earth.”⁶⁴ Indeed, the post-flood account reiterates the blessing a second time: “[B]e fruitful and increase in number; multiply on the earth and increase upon it.”⁶⁵ Dean Titus is, however, on weaker footing in suggesting that the “dominion mandate” is renewed in the Noahic covenant. Dean Titus fails to note important textual differences between the *Genesis* one and the *Genesis* nine accounts—the blessings in the

McDonald, *Doctrine of Man*, in *EVANGELICAL DICTIONARY OF THEOLOGY*, *supra*, at 676-80. Old Testament scholar Walter C. Kaiser, Jr. has observed:

This part of the blessing mankind shares with the created order mentioned in verse 22, but an additional part of our blessing appears to stem decidedly from the gift of the image of God. Almost identical terms are used in verses 26 and 28 to amplify one part of the image that was foremost in the mind of God when He so graciously benefited that first couple; they were to subdue and have dominion over all creation (v. 28).

Of course, the divine mission to “subdue” [] and to “dominate” [] was no license for mankind to abuse the creative orders. Man was not to be a bully and a law to himself. He was only to be God’s viceroy and therefore accountable to Him. Creation was to benefit man, but man was to benefit God!

WALTER C. KAISER, JR., *TOWARD AN OLD TESTAMENT THEOLOGY* 76 (1978).

61. *Genesis* 1:26. God similarly blessed all of the creatures in the sea and the air with reproductive capabilities: “Be fruitful and increase in number and fill the waters in the seas, and let the birds increase on the earth.” *Genesis* 1:22 (NIV). Dean Titus would seemingly have to understand this verse as God commanding or mandating the creatures in the sea and the air to be fruitful, increase, and fill their domains. It seems unlikely, however, that jellyfish and flounder, mosquitoes and turkey vultures have the capacity to comprehend the “mandate,” their “great commission,” or the resulting duties.

62. 2 THE EXPOSITOR’S BIBLE COMMENTARY (GENESIS-NUMBERS) 38 (Frank E. Gaebelain ed., 1990).

63. Titus Lecture, *supra* note 3, at 316 (internal quotation marks omitted).

64. *Genesis* 9:1 (NIV).

65. *Genesis* 9:7 (NIV).

Genesis nine post-flood account do *not* include the Hebrew verb *radah* and thus do not reiterate the *Genesis* one blessing related to humans ruling or exercising dominion.⁶⁶ Thus, the Hebrew verb *radah* is conspicuously absent from the *Genesis* nine account.

Of course, between the *Genesis* one account of creation and the *Genesis* nine account of God's covenant with Noah is the *Genesis* three account of the fall, which is a story of human disobedience, rejected blessings, and resulting disorder.⁶⁷ As a consequence of the fall, humans became enslaved and self-centered; relationships (divine-human, human-human, and human-creation) became marked by separation, animosity, and strife; the divine image in humans became marred but not completely lost; their minds, their wills, and their hearts became darkened by sin; and humans experienced guilt.⁶⁸ Furthermore, the earth and creatures became cursed.⁶⁹ For Eve, the pains of childbearing and childbirth increased, and her relationship with her husband became damaged and marked by him ruling over her.⁷⁰ For Adam, the ground became cursed so that his work became marked by toil.⁷¹ Because of human revolt, the Garden of Eden was lost, and humans became destined to return to the ground from which they came.⁷² As to human "dominion," the impact of the fall was profound:

66. See *supra* notes 33-38, 55, and 63 and accompanying text.

67. See generally *Genesis* 3. Walter Kaiser has noted the important theme of blessing in *Genesis* 1-11:

The hallmark of *Genesis* 1-11 is to be found in the Edenic, Noahic, and Abrahamic "blessing." With the announcement of God's promise to *bless* all created beings in the beginning of the prepatriarchal narrative (1:22,28), at strategic points in the course of its narrative (5:2; 9:1), and at its conclusion (12:1-3), the theme, unity, and perimeters of the theology of *Genesis* 1-11 are secure.

KAISER, *supra* note 60, at 71 (emphasis in original). Nevertheless, *Genesis* 1-11 also records the "continual rejection of [] divine blessings in the areas of the family (4:1-16), cultural achievements (vv. 17-24), a doctrine of work (2:15), the development of the human race (5; 10: 11:10-32), and the state (6:1-6)." *Id.* at 72. Despite this rejection, the blessings of God continued, as the various creatures including humans were fruitful and did multiply. See *Genesis* 5; 6:1; cf. *Genesis* 7:21-23; 8:17.

68. For a general treatment of Christian teachings on the fall of humans and sin, see Bruce A. Demarest, *Fall of Man*, in EVANGELICAL DICTIONARY OF THEOLOGY, *supra* note 60, at 403-05; Donald G. Bloesch, *Sin*, in EVANGELICAL DICTIONARY OF THEOLOGY, *supra* note 60, at 1012-16. See also *Genesis* 3:8-13, 15, 21-24.

69. *Genesis* 3:14, 17-18.

70. *Genesis* 3:16. The Hebrew word for "ruling over" in *Genesis* 3:16 is not *radah* but *mashal*, which means to rule or have dominion over. BROWN, LEXICON, *supra* note 59, at 605; GESENIUS, LEXICON, *supra* note 59, at 517.

71. *Genesis* 3:17-19.

72. *Genesis* 3:19.

“Rule” and “subdue” are strong terms and imply a measure of opposition against man’s authority, but as the writer of Hebrews notes, man has by no means achieved full dominion over creation (Heb. 2:8). Through Christ’s death and exaltation, redeemed mankind will someday be able to exercise the dominion that was crippled by the Fall (cf. Heb. 2:9).⁷³

A careful reading of the *Genesis* one creation account, the *Genesis* three fall account, and the *Genesis* nine Noahic covenant account suggests some weaknesses in Dean Titus’s “dominion mandate”-based vision of law, civil government, and society. In his theory, God’s blessings in *Genesis* one and nine are transformed into commands devoid of any sense of blessing. Furthermore, he finds in *Genesis* nine a renewal of the “dominion mandate,” but the *Genesis* nine text simply does not include the Hebrew verb *radah* or the dominion blessing. He also neglects to recognize the significant effects of the fall in *Genesis* three on the exercise of dominion. Furthermore, passages in other biblical books highlight additional weaknesses in his theory. *Psalms* twenty-four declares that the earth and everything in it, the world and all who live in it, are the Lord’s.⁷⁴ In *Psalms* eight, David observed that God made humans “a little lower than the heavenly beings” and crowned them “with glory and honor,” making them rulers “over the works of [his] hands” and putting everything under their feet.⁷⁵ After quoting from *Psalms* eight, the author of *Hebrews* observed:

In putting everything under him, God left nothing that is not subject to him. Yet at present we do not see everything subject to him. But we see Jesus, who was made a little lower than the angels, now crowned with glory and honor because he suffered death, so that by the grace of God he might taste death for everyone.⁷⁶

Considered together, these passages in *Genesis*, *Psalms*, and *Hebrews* teach that although humans do in certain respects rule over creation, their role as God’s representatives and their dominion over creation have been adversely affected by the fall. Furthermore, their rule is not absolute or independent of God; rather, their rule is subordinate to God’s sovereign rule. Humans thus participate with God in his rule, not by right, but as a gracious gift of God to his

73. HERBERT WOLF, AN INTRODUCTION TO THE OLD TESTAMENT PENTATEUCH 31 (1991).

74. *Psalms* 24:1.

75. *Psalms* 8:5-6 (NIV). David used a derivative of the Hebrew word *marshal*, meaning to cause to rule or to give dominion. BROWN, LEXICON, *supra* note 59, at 605; GESENIUS, LEXICON, *supra* note 59, at 517.

76. *Hebrews* 2:8-9 (quoting *Psalms* 8:4-6).

image-bearers. If humans properly understand the blessings they have received, they will appreciate their stewardship responsibilities to care for God's creation, and they will serve with gratitude as his representatives, realizing that God has given them these responsibilities as a matter of trust.⁷⁷

B. Is the Apostle Paul's Statement About the "Lawful Use of Law" Addressed to Jurisdiction?

In Dean Titus's theory of law and government, jurisdiction is the first of the first principles.⁷⁸ He urges Christians to read "the Bible as it relates to the nations" and to "understand how the law applies to the civil society."⁷⁹ Dean Titus finds "no better guidepost" than *First Timothy* chapter one, verses eight through eleven, which leads him to focus on the Apostle Paul's statement that "the law is good if it is used lawfully."⁸⁰ According to Dean Titus, Paul taught that "the law is not for believers[—]it is for unbelievers. It is not for people [who] behave themselves; it is for people [who] do not behave themselves."⁸¹

For Dean Titus, the "lawful use of law" principle is about jurisdiction. Civil government has jurisdiction only over what a person does and not who he is,

77. Theologian Stanley J. Grenz has similarly written:

Our divinely-given destiny begins with a special standing before God. As humans created in the divine image, we are the recipients of God's love. This means that each of us has special worth in God's sight We are also the recipients of God's commands, which entails a special responsibility. Our responsibility is connected to the biblical concept of "dominion." Rather than reading this term against the background of the ideology of modern industrial society, however, we must place the concept within the context of the royal theology of the Old Testament. God has entrusted to us a special task with reference to creation, namely, that we serve as his representatives. We are to reflect to creation the nature of God.

The concept of dominion suggests as well that we are living in a "secular" world, that is, a universe divested of lesser deities. There is but one God, and the entire world is the creation of that God. The Creator has given this creation to humankind to manage. But our management has as its goal that we show to creation what God is like. Consequently, we do not "manage" creation for our own purposes, but for the sake of that higher goal, namely, in order that we might serve as the mirror of the divine character.

STANLEY J. GRENZ, *THEOLOGY FOR THE COMMUNITY OF GOD* 230 (1994).

78. In his book *God, Man and Law: The Biblical Principles*, jurisdiction is the first principle Dean Titus addresses after his two introductory chapters. See *GOD, MAN & LAW*, *supra* note 2, at 64-97.

79. Titus Lecture, *supra* note 3, at 309.

80. *Id.*

81. *Id.*

and God in the Bible limits civil government jurisdiction to punishing wrongdoing.⁸² Dean Titus finds support for his “lawful use of law”/jurisdiction principle in several biblical passages, including the parable of the Good Samaritan,⁸³ Jesus’ instruction to give to Caesar and to God what belongs to each respectively,⁸⁴ the chief priests’ statement during Christ’s passion that the Jews have no king but Caesar;⁸⁵ the Sanhedrin’s prohibition of Peter and John from preaching in Jesus’ name,⁸⁶ and the Apostle Paul’s teaching on civil government.⁸⁷ In encouraging his audience to read the Bible as it relates to “the nations,” Dean Titus is essentially encouraging a jurisdictional reading of the Bible.

A careful reading of *First Timothy* chapter one, verses eight through eleven, however, raises questions about Dean Titus’s handling of the passage. In *First Timothy* chapter one, verses eight through eleven, the Apostle Paul continued his response to certain purveyors of false doctrine who “want[ed] to be teachers of the law” but “d[id] not know what they [we]re talking about or what they so confidently affirm[ed].”⁸⁸ Paul affirmed that law in general is good or useful (*καλος*) “if one uses it properly.”⁸⁹

In discussing the proper or lawful use of law, Paul focused on the design or purpose of law. He emphasized that law is not made for those who *are* righteous, upright, and naturally law-abiding (*δικαιω*).⁹⁰ Rather, law is

82. *Id.* at 309-15. In discussing Jesus’ instruction regarding what should be rendered to Caesar and to God, Dean Titus makes the “lawful use of law” principle and jurisdiction equivalent when he states, “That is a statement of jurisdiction—a statement of lawful use of law.” *Id.* at 310.

83. *Luke* 10.

84. *Luke* 20; *Matthew* 22.

85. *John* 19.

86. *Acts* 4 and 5. Referencing the *Acts* 4 and 5 accounts of the Jewish leaders prohibiting Peter and John from preaching the gospel, Dean Titus comments that “[t]he Jewish rulers attempted to use the force of Caesar to stop Peter and John from teaching under the authority of someone other than Caesar.” *Id.* at 310. Earlier in his Lecture, he asserts that the early Christians received the following answer from God regarding the detention of Peter and John by the Jewish rulers for preaching in Jesus’ name: “The rulers could not require the church to teach in the name of Caesar.” *Id.* at 307. In the accounts in *Acts* 4 and 5, however, the Jewish leaders (including a party of Sadducees who opposed any teaching on the resurrection of the dead) never required Peter, John, or the other Christians to teach “in the name of Caesar,” but they did prohibit them from preaching in the name of Jesus Christ of Nazareth. *See Acts* 4 & 5. Nevertheless, when they were before the Sanhedrin, Peter and the other apostles answered the high priest that they “must obey God rather than men!” *Acts* 5:29 (NIV).

87. *Romans* 13.

88. 1 *Timothy* 1:3, 7 (NIV).

89. 1 *Timothy* 1:8 (NIV).

90. 1 *Timothy* 1:9. Although Paul does use the Greek word *δικαιοσυνη* to refer to a

designed for those who *are* bad, that is, for those who *are* “lawbreakers and rebels, the ungodly and sinful, the unholy and irreligious; for those who kill their fathers or mothers, for murderers, for adulterers and perverts, for slave traders and liars and perjurers.”⁹¹ In these lists, Paul started with people who exhibit certain attitudes or states of mind—those who are lawless and not subject to rule, those who are deliberately irreverent and sinful, and those who are unholy and have no sense of the sacred.⁹² Paul then listed offenders who violate the second table of the Decalogue, which addresses moral duties among humans.⁹³ At the conclusion of the second list, Paul included all other serious offenses that he may have neglected—“and for whatever else is contrary to the sound doctrine that conforms to the glorious gospel of the blessed God”⁹⁴

Contrary to Dean Titus’s interpretation, *First Timothy* chapter one, verses eight through eleven teaches that law is properly concerned with who people *are*, not just what people *do*. According to Paul, the proper use of law is closely connected to who people *are*—law is for those who *are* not righteous, upright, and naturally law-abiding and who need law to counteract their unhealthy, disordered moral natures—and the purpose of law is evident when law restrains those who are otherwise unrestrained by a proper sense of virtue or goodness.⁹⁵ For Paul, it is important that teachers of the law properly understand the purpose for which law is made—it is to restrain people who are bad and to protect society from them. In other words, law is good when used to restrain those who are lawbreakers, rebels, ungodly, sinful, unholy, and irreligious, which seemingly includes every person. Additionally, in discussing

righteousness that comes through justification, see, e.g., *Romans* 1:17, that sense is not intended in *1 Timothy* 1:9. Instead, the more common sense of righteous, upright, and law-abiding is intended. See KENNETH S. WUEST, *THE PASTORAL EPISTLES IN THE GREEK NEW TESTAMENT FOR THE ENGLISH READER* 31 (1952).

91. *1 Timothy* 1:9-10a (NIV). See also 11 THE EXPOSITOR’S BIBLE COMMENTARY (EPHESIANS THROUGH PHILEMON) 352 (Frank E. Gaebelien ed., 1990) (stating that “the purpose of law is not to police good men but bad men. In other words, we need law for the punishment of criminals and the protection of society. [Paul] says that law is not appointed ‘for good men’—literally, ‘for a righteous person.’”).

92. 11 THE EXPOSITOR’S BIBLE COMMENTARY (EPHESIANS THROUGH PHILEMON), *supra* note 91, at 352.

93. In this second list, Paul addressed those who violate the Fifth, Sixth, Seventh, Eighth, and Ninth Commandments. See *Exodus* 20:12-16. See also 11 THE EXPOSITOR’S BIBLE COMMENTARY (EPHESIANS THROUGH PHILEMON), *supra* note 91, at 352.

94. *1 Timothy* 1:10b-11 (NIV). The contrast to the gospel is stark; the gospel is healthy, wholesome teaching that displays the glory of God. See 11 THE EXPOSITOR’S BIBLE COMMENTARY (EPHESIANS THROUGH PHILEMON), *supra* note 91, at 353.

95. For a discussion of the role of law to educate for goodness and outward justice, see *infra* note 215.

the proper use of law, it does not appear that Paul intended to speak to the limits of civil government jurisdiction or to highlight any distinction between who people are and what they do for purposes of civil government jurisdiction.⁹⁶

C. Is the Bible God's Law Book for "the Nations"?

In defending the relevance of the Bible to law and civil government, Dean Titus postulates that "God, as the Creator of every nation, has set down the rules that govern the civil society of every nation" and that "God's word . . . should reveal to us the law that governs every civil society."⁹⁷ In building this argument, Dean Titus relies on *Genesis* chapters nine through eleven and *Acts* chapter seventeen, verse twenty-six.⁹⁸ Throughout his Lecture, he uses the term "nations" interchangeably with civil government and appears to have a sense that the Hebrew and Greek words that are rendered "nations" in the English translations of the Bible refer to civil governments. However, a study of these two passages shows that they provide weak support for Dean Titus's argument and that these passages are not principally concerned with civil government.

1. Understanding *Genesis* Account of the "Table of Nations"

Dean Titus asserts that *Genesis* nine through eleven "provides an account of the beginning of nations. . . . [A]s the Scripture teaches, out of the family of Noah, and the generations following, came all nations. So nations were birthed at the very time of the tower of Babel."⁹⁹ Thus, according to Dean Titus, the stories of Noah and the tower of Babel present the origins of civil government. In evaluating Dean Titus's treatment of *Genesis* chapters nine through eleven, these chapters should be studied in context.

96. Civil government may indeed be limited in its ability to prosecute people for who they are or what they think, and a number of reasons for this limitation may be considered, including the ability of people to choose not to act in accordance with their sinful nature or thoughts and the absence of evidence regarding who a person is or what a person thinks until such is made manifest in conduct. Nevertheless, this limitation does not mean that civil government has no jurisdiction over or that law has no concern regarding who a person is. In any event, 1 Timothy 1:8-11 serves as a poor proof-text for Dean Titus's theory, for the passage teaches a contrary lesson.

97. Titus Lecture, *supra* note 3, at 305, 308. Because Dean Titus does not distinguish among the various types of law in the Bible, it would appear that he is talking about all law in the Bible—the moral law, the ceremonial law, and the civil law. For a discussion of the various types of law in the Bible and their applicability, see *infra* notes 171-183 and accompanying text.

98. *Id.* at 305-07, 309, 315-22.

99. *See, e.g., id.* at 309.

Genesis ten is commonly called the “table of nations” because it gives an account of the peoples who descended from Noah’s sons.¹⁰⁰ At the conclusion of three genealogies recorded in *Genesis* chapter ten, verses one through thirty-one, *Genesis* chapter ten, verse thirty-two states that “[t]hese are the clans of Noah’s sons [(Japheth, Ham, and Shem)], according to their lines of descent, within their nations. From these the nations spread out over the earth after the flood.”¹⁰¹ The English term “nations” is a translation of the Hebrew word *goyim*, which is the plural form of *goy*. *Goyim* may be rendered nations or peoples, but the term is broad enough that it may even refer to herds and troops of animals and swarms of locusts.¹⁰² Both *goy* and the Hebrew term ‘*am*, which may also be rendered “people,”

denote a group of men or animals associated visibly and according to experience. There is no emphasis on the particular marks or bases of fellowship or relationship, on political or cultural connections, as in such words as [*erets* (lands, countries, territories)], [*lashon* (tongues, languages)], [*mishpachah* (families/clans)] (Gn. 10:31), which can be used for “people” in a more racial, linguistic or geographical sense. Only in the course of the history of Jewish religion did the words *goy* and ‘*am* come to be more precisely distinguished. The secular sense retreated into the background. The plur[al] *goyim* came to be used as a tech[nical] term for the Gentiles, and the sing[ular] ‘*am* for the holy people.¹⁰³

In its plural form (as it is found in *Genesis* ten), *goy* often refers to non-Hebrew peoples. In other words, it often refers to the Gentiles, those persons and peoples who are strangers to the Jewish religion. In the Septuagint, the Hebrew word *goyim* is often rendered *εθνη* in the Greek, which carries the sense of Gentiles and includes “all the individuals who do not belong to the chosen people.”¹⁰⁴ Thus, the term “nations” in *Genesis* ten carries with it a sense that “[f]rom the first patriarchs there does not descend a single humanity, but a

100. See, e.g., R. K. HARRISON, INTRODUCTION TO THE OLD TESTAMENT 549, 558-59 (1969).

101. *Genesis* 10:32 (NIV). See also *Genesis* 10:5 (stating that “[f]rom these the maritime peoples spread out into their territories by their clans within their nations, each with its own language”) (NIV); *Genesis* 10:20 (stating that “[t]hese are the sons of Ham by their clans and languages, in their territories and nations”) (NIV); *Genesis* 10:31 (stating that “[t]hese are the sons of Shem by their clans and languages, in their territories and nations”) (NIV).

102. BROWN, DRIVER, & BRIGGS, LEXICON, *supra* note 59, at 156; GESENIUS, LEXICON, *supra* note 59, at 163.

103. 2 THEOLOGICAL DICTIONARY OF THE NEW TESTAMENT 364-65 (Gerhard Kittel ed., 1967) [hereinafter TDNT].

104. *Id.* at 367.

group of nations divided according to clans and differing in language, custom and situation.”¹⁰⁵

Genesis ten is immediately preceded by the account of Noah and his three sons after they emerged from the ark.¹⁰⁶ This account includes Noah’s sacrifice to God, God’s covenant with Noah, identification of Noah’s three sons, and the curse of Canaan.¹⁰⁷ *Genesis* ten is followed by the *Genesis* eleven account of God’s judgment of Babylon, the scattering of the peoples, and the genealogy of Shem, which encompasses Abram.¹⁰⁸ With *Genesis* twelve, the book of *Genesis* turns to God’s creation of his people in Abraham and Abraham’s descendants. Thus, *Genesis* begins with the story of God’s creation of the world “in the beginning,” and after accounts concerning the fall, Adam’s descendants, the great flood, the Noahic covenant, and the dispersion of Noah’s descendants, *Genesis* tells the story of the beginnings of God’s people in Abraham and of God’s blessing of Abraham, his descendants, and all people through Abraham’s seed.¹⁰⁹

Against this backdrop, it would appear that the *Genesis* account of the table of nations is not aimed at telling the story of the origins of civil government (“the nations” in a political sense as Dean Titus employs the term). Instead, this passage provides an account of Noah’s descendants and the origins of the various people groups throughout the earth. This passage thus sets the stage for

105. *Id.*

106. *Genesis* 8:18-19 records that Noah, his wife, his sons, his sons’ wives, and the animals and creatures came out of the ark.

107. *Genesis* 8:20-9:29. *Genesis* 9:19 records that from Shem, Ham, and Japheth “came the people who were scattered over the earth.” *Genesis* 9:19 (NIV).

108. *Genesis* 11:1-32.

109. R. K. Harrison has explained that *Genesis* 1-11 provides the primeval history with a Mesopotamian background and that *Genesis* 12-50 provides the history of the patriarchs. HARRISON, *supra* note 100, at 496. Another Old Testament scholar has observed:

The choice of Israel as God’s special people is connected with Noah’s son Shem, and both chapters 10 and 11 contain genealogies of the family of Shem. Both genealogies mention Shem’s descendant Eber (10:24-25; 11:14-17), from whom the name “Hebrew” is derived. In the more detailed genealogy of chapter 11, we are introduced to Terah and his son Abram and their journey from Ur of the Chaldeans to Haran. It is Abram (later called Abraham) and his family who occupy center stage for the rest of *Genesis* and the Pentateuch.

From a literary standpoint, *Genesis* 1-11 functions as a prologue to the rest of the book and to the Pentateuch as a whole. These chapters provide an indispensable introduction to *Genesis* and help the reader to understand why God chose to make a new beginning with Abram. Although Abram was a sinner like all other men, his faith and obedience marked him as a prophet and God’s friend and brought for him and his descendants unparalleled blessing.

WOLF, *supra* note 73, at 108.

the story of God's dealings with Abraham and his descendants, which begins immediately following the Genesis account of the table of nations with the account of God calling Abram to leave the land of his fathers and go to a land that God would show him.¹¹⁰ God promised to bless Abraham and his descendants and to bless all the peoples of the earth through Abraham:

I will make you into a great nation
And I will bless you;
I will make your name great,
And you will be a blessing.
I will bless those who bless you,
And whoever curses you I will curse;
And all peoples on earth will be blessed through you.¹¹¹

According to the Apostle Paul, the apostle to the Gentiles (*εθνη*), this promise has been fulfilled in Jesus Christ, and faith in Jesus Christ (not observance of the law) brings the blessing of Abraham "to the Gentiles (*εις τα εθνη*)."¹¹²

It is also important to observe that nothing in the *Genesis* account of the table of nations suggests that God gave the Bible as a law book for "the nations." In fact, the Pentateuch was written many centuries after God made his covenant with Noah. Although God authorized the death penalty in *Genesis* chapter nine, verse six when human blood is shed, any reference to civil government is remote at best.¹¹³ Furthermore, before the death penalty was expressly authorized in *Genesis* chapter nine, verse six, those who killed other human beings lived in fear of their lives being taken for their conduct,¹¹⁴ and civil government seems to appear on the scene before the Noahic covenant and the tower of Babel.¹¹⁵ Additionally, any consideration of the origins of civil

110. *Genesis* 12:1.

111. *Genesis* 12:2-3 (NIV). This theme of blessing is significant in *Genesis*. For a discussion of God's blessing and humankind's rejection of God's blessing, see *supra* Section III.A. God also entered into a covenant with Abram. *Genesis* 15.

112. See *Galatians* 3:14; see generally *Romans* 4, 9-11; *Galatians* 3-4.

113. This authorization is linked to man's creation in God's image and the dignity that accompanies this divine image in humans. *Genesis* 9:6-7.

114. *Genesis* 4:13-14, 23-24.

115. Cain's building of a city may provide one early, yet rudimentary example of civil society. *Genesis* 4:17. Likewise, the account of the "sons of God" in *Genesis* 6:1-7 may provide another early example of civil government. Walter Kaiser has observed: "The rulers of the day, having adopted for themselves the near Eastern titulary of 'sons of God,' autocratically began to multiply as many wives for themselves as they pleased. Their lust for a 'name,' i.e., a reputation (v. 4), led them to compound their excesses and abuse the purposes of their office." KAISER, *supra* note 60, at 80. If Cain's city-building and the "sons of God" (the *Nephilim* or the mighty men or aristocrats) do in fact provide pre-Noahic covenant examples of civil government

government must factor in the biblical teaching that humans were created in the image of God, the divine king.¹¹⁶ For all of these reasons, the *Genesis* account of the table of nations provides little support for Dean Titus's argument that God as the creator of "the nations" gave in the Bible the rules to govern civil society.

2. Understanding *Acts* chapter Seventeen, verse Twenty-Six

Dean Titus uses *Acts* chapter seventeen, verse twenty-six to support his argument that "God is the creator of the nations—all of the nations of the world, including the United States of America."¹¹⁷ In discussing this verse, he

and civil rulers, this is not entirely surprising considering that humans were created in the divine image and were given the capacities to reason, govern their affairs, and order themselves and their world. For a discussion of the divine image in humans, see *supra* notes 54, 60, and 77 and accompanying text.

116. Lutheran theologian Dietrich Bonhoeffer observed that Christians have offered two different approaches to the origins of civil government. See generally DIETRICH BONHOEFFER, *ETHICS* 327-39 (1955). In the first approach (the nature theory), civil government is a product of the created nature of humans; it is a product of the natural and rational character of humans. Civil government is understood to derive from and is tied to human community. Its purpose is to serve human life. *Id.* at 328-29. The second approach (the sin theory) has a more negative assessment of human nature and civil government. According to this approach, the origin of civil government is found in the fall; sin made the divine institution of civil government necessary. Civil government exists to protect humans against chaos caused by sin, to punish criminals, and to protect life. Thus, with this second approach, civil government is understood to be "from above," not "from below"—it is not "a consummation of creaturely characteristics but an institution of God which is ordained from above." *Id.* at 330. It would appear that Dean Titus's theory has more in common with this second approach, the sin theory.

Although Bonhoeffer considered the sin theory superior to the nature theory, he found deficiencies with both. *Id.* at 330-34. Most significant was their failure to understand the relation of civil government to Jesus Christ and his "dominion." *Id.* at 331. For Bonhoeffer, "[t]he true basis of government is [] Jesus Christ Himself. . . . Only the derivation of government from Jesus Christ can supersede the derivation in terms of natural law which are the ultimate consequences of the derivations from [both] the nature and the sin of man." *Id.* at 332-33. Thus, Bonhoeffer understood both theories to rely upon the natural law, but in different ways. In the nature theory, the actual conditions of peoples and the natural law provide the basic reason for civil government. In the sin theory, a natural law theory has to be developed to restrain civil government by "restrict[ing] the concept of power by means of the concept of justice"; otherwise, in a positivist sense, the concept of justice is subordinate to the concept of coercive force. *Id.* at 333. Bonhoeffer concluded that "a solid basis [for civil government] is afforded only by the biblical derivation of government from Jesus Christ. Whether and to what extent a new natural law can be established on this foundation is a theological question which still remains open." *Id.* at 334.

117. Titus Lecture, *supra* note 3, at 307 (emphasis in original).

highlights the English words “all nations” and links them to his discussion of civil government. Once again, in evaluating Dean Titus’s treatment of *Acts* chapter seventeen, verse twenty-six, it is helpful to consider this verse in context.

The book of *The Acts of the Apostles* records the Apostle Paul’s address to the crowd in Athens at the Areopagus, in chapter seventeen, verses sixteen through thirty-four. In his message, Paul took aim at the pride of his Athenian audience. Athenians believed that the “Greeks were innately superior to Barbarians”¹¹⁸ because “they had originated from the soil of their Attic homeland.”¹¹⁹ Paul, however, emphasized that God is the creator of the world and everything in it, including all humankind, and that humans share a common origin and have descended from one common ancestor.¹²⁰ Thus, Paul’s message, in contrast to the Athenian conception, permitted no “ideas of racial superiority.”¹²¹

In verse twenty-six, the Apostle Paul is quoted as saying: “From one man [God] made every nation of men (*παν εθνος ανθρωπων*), that they should inhabit the whole earth; and he determined the times set for them and the exact places where they should live.”¹²² The Greek word *εθνος* may be rendered nation, people, heathen, pagan, or Gentile.¹²³ Paul selected this phrase from among various Greek words available to him:

The term people signifies a group of human beings who belong closely together because of a common history and a common country. In [Greek] this concept is expressed most comprehensively and most frequently by the word *ethnos*. *Laos*, on the other hand, is a term originating in the military sphere, and retains an archaic, political connotation. *Demos* connotes the public nature of the people’s assembly, while *ochlos* is the word for the crowd, the mass, the populace. *Polis* has a definitely political character, signifying a

118. F.F. BRUCE, COMMENTARY ON THE BOOK OF THE ACTS 358 (1954).

119. 9 THE EXPOSITOR’S BIBLE COMMENTARY (JOHN-ACTS) 476 (Frank E. Gaebelein ed., 1990).

120. *Acts* 17:24-26. One commentator has observed:

The substance of the Athenian address concerns the nature of God and the responsibility of man to God. Contrary to all the pantheistic and polytheistic notions, God is the one, Paul says, who has created the world and everything in it, he is the Lord of heaven and earth.

9 THE EXPOSITOR’S BIBLE COMMENTARY (JOHN-ACTS), *supra* note 119, at 476.

121. BRUCE, *supra* note 118, at 358.

122. *Acts* 17:26 (NIV).

123. 2 THE NEW INTERNATIONAL DICTIONARY OF NEW TESTAMENT THEOLOGY 790 (Colin Brown ed., 1986) [hereinafter NIDNTT].

community which lives together under a legal constitution, a city state.¹²⁴

Likewise, in Classical Greek,

ethnos, derived from *ethos*, custom, habit, means a group which is held together by customs, a clan; then, crowd, company, people. The word came to be used in the derogatory sense of common people. *Ethnos* is especially used to mean foreigners, in contrast to the Greek who is a Hellene This gives *ethnos* a derogatory undertone, which approaches *barbaros*, non-Greek, barbarian. Later *ethnos* was used to describe subject peoples.¹²⁵

A leading treatise on New Testament Greek has noted that the phrase *παν εθνος ανθρωπων* in *Acts* chapter seventeen, verse twenty-six uses *εθνος* in its original, ethnographical sense, denoting the “natural cohesion of a people in general” and referring to people as a mass, host, or multitude “bound by the same manners, customs or other distinctive features.”¹²⁶

Based upon these linguistic clues and the biblical text in context, New Testament scholar F.F. Bruce concluded that the Greek phrase *παν εθνος ανθρωπων* should probably be rendered “the whole human race,” “rather than ‘every nation of men’ in the distributive sense.”¹²⁷ In any event, Paul’s use of *παν εθνος ανθρωπων* in *Acts* chapter seventeen, verse twenty-six should not be understood in a national or political sense as referring to civil governments or nations of the world such as the United States of America, as Dean Titus

124. *Id.* at 788.

125. *Id.* at 790.

126. 2 TDNT, *supra* note 103, at 369. This treatise adds:

This word [*εθνος*], which is common in [Greek] from the very first, probably comes from *εθος*, and means “mass” or “host” or “multitude” bound by the same manners, customs or other distinctive features. Applied to men, it gives us the sense of people; but it can also be used of animals in the sense of “herd” or of insects in the sense of “swarm” (though cf. also *εθνος μελισσων* for the race of bees). The original sense may still be seen in the *παν εθνος ανθρωπων* of Ac. 17:26.

In most cases *εθνος* is used of men in the sense of a “people.” Synon[ymous] are → *φυλη* (people as a national unity of common descent), → *λαος* (people as a political unity with a common history and constitution) and → *γλωσσα* (people as a linguistic unity). *εθνος* is the most general and therefore the weakest of these terms, having simply an ethnographical sense and denoting the natural cohesion of a people in general.

Id.

127. BRUCE, *supra* note 118, at 358, n.46.

suggests.¹²⁸ Additionally, when Paul did speak to the matter of civil government in *Romans* thirteen, verses one through three, he used the Greek words *εξουσια*, *εξουσιαν*, *εξουσιας υπερεχουσαις*, and *αρχοντες*, which do carry the sense of governing political powers that bear and exercise power as rulers and authorities.¹²⁹

3. Evaluating the Premise That the Bible Is God’s Law Book for “the Nations”

In addition to considering Dean Titus’s mishandling of the *Genesis* account of the creation of nations and *Acts* chapter seventeen, verse twenty-six, it is also important to consider a fundamental premise of his theory. Dean Titus’s argument that the rules contained in the Bible should govern every civil society is premised upon an understanding that the Bible is God’s law book for “the nations.”¹³⁰ In his approach, he seems to assume that God, in giving the Bible, intended for all of the law contained in the Bible to apply to and govern “the nations,” by which Dean Titus means all civil governments. To evaluate this premise, it is helpful to consider the perils of reading the Bible as a law book, the distinction between general and special revelation, the centrality of Jesus

128. *Id.* at 358.

129. WALTER BAUER, WILLIAM F. ARNDT, F. WILBUR GINGRICH, & FREDERICK W. DANKER, *A GREEK-ENGLISH LEXICON OF THE NEW TESTAMENT AND OTHER EARLY CHRISTIAN LITERATURE* 113, 278 (5th ed. 1958). Lutheran theologian Dietrich Bonhoeffer has observed:

The concept of the state is foreign to the New Testament. It has its origin in pagan antiquity. Its place is taken in the New Testament by the concept of government (“power”). The term “state” means an ordered community; government is the power which creates and maintains order. The term “state” embraces both the rulers and the ruled; the term “government” refers only to the rulers. The concept of the *polis*, which is a constituent of the concept of the state, is not necessarily connected with the concept of *exousia*. For the New Testament the *polis* is an eschatological concept; it is the future city of God, the new Jerusalem, the heavenly society under the rule of God. The term “government” does not essentially refer to the earthly *polis*; it may go beyond it; it is, for example, applicable even in the smallest form of community, in the relation of father and child or of master and servant. The term “government” does not, therefore, imply any particular form of society or any particular form of state. Government is divinely ordained authority to exercise worldly dominion by divine right. Government is deputyship for God on earth. It can be understood only from above. Government does not proceed from society, but it orders society from above.

BONHOEFFER, *supra* note 116, at 327.

130. See Titus Lecture, *supra* note 3, at 305, n.3 (citing Herbert W. Titus, *The Bible: Law Book for the Nations*, in *FIRST STEPS TO STATESMANSHIP* 50-53 (D. Eby ed., 2001)); see also BONHOEFFER, *supra* note 116, at 308.

Christ and redemption in God's special revelation, the limits of law as revelation, and some tools to handle properly God's law in the Bible.

a. The Perils of Reading the Bible as God's Law Book¹³¹

Both the Christian Scriptures and history demonstrate that great peril attends those who misunderstand God's law in the Bible.¹³² Among the greatest perils is the risk of distorting God's revelation.¹³³ Those who misunderstand biblical law risk misunderstanding biblical truth and God's saving work in Jesus Christ, and those who read the Bible as a law book, make jurisdiction the first of the first principles of law and government, and read the Bible jurisdictionally expose themselves to the danger of distorting biblical truth, God's grace and mercy, and his revelation in Jesus Christ. Another peril is neglect of the more important matters of the law—love, justice, mercy, and good faith.¹³⁴ Additionally, the history of Christianity includes examples of Christians who experimented with social and civil reconstruction based upon biblical law, and these experiments have rightly received serious critique.¹³⁵ The magnitude of

131. John Calvin, the Protestant reformer and theologian who is one of the fathers of the Reformed tradition, expressed great concern regarding those who “dangerously go astray” in a “perilous and seditious” understanding of the use of biblical law in civil government. JOHN CALVIN, *INSTITUTES OF THE CHRISTIAN RELIGION* 4.20.14 (John T. McNeill ed., & Ford Lewis Battles trans., 1960) [hereinafter CALVIN, *INSTITUTES*]. He wrote:

[T]here are some who deny that a commonwealth is duly framed which neglects the political system of Moses, and is ruled by the common laws of nations. Let other men consider how perilous and seditious this notion is; it will be enough for me to have proved it false and foolish.

Id. at 4.20.14.

132. The first five books of the Old Testament, the Pentateuch, are collectively called *Torah*, which means law, teaching, or instruction. These five books are also called the book of the law, the book of the law of Moses, the law of Moses, the book of Moses, the law of God, the law of the Lord, the law, or Moses. See HARRISON, *supra* note 100, at 495-96; WOLF, *supra* note 73, at 17-18.

133. In his play *The Merchant of Venice*, William Shakespeare observed how even the Bible can be distorted to serve evil purposes. In response to Shylock's use of biblical stories, Antonio remarks that “[t]he devil can cite Scripture for his purpose.” WILLIAM SHAKESPEARE, *THE MERCHANT OF VENICE* act 1, sc. 3. The devil, of course, used Scripture during his temptation of Jesus Christ. See *Matthew* 4:1-11; *Mark* 1:12-13; *Luke* 4:1-13.

134. For a discussion of these weightier matters of the law, see *supra* note 51 and accompanying text, *infra* notes 162-166 and accompanying text, and *infra* notes 259-261 and accompanying text.

135. During the Protestant Reformation, John Calvin deemed it necessary to answer certain Anabaptists who erroneously mandated biblical law for the reconstruction of society. See CALVIN, *INSTITUTES*, *supra* note 131, at 4.20.1, 4.20.2, 4.20.5, 4.20.14, & 4.20.16. One of the most dramatic historical instances of such a social experiment to conform civil life to biblical

these perils underscores the immense importance of correctly understanding and properly applying biblical law, and students should carefully consider Dean Titus's view and assess whether it is properly established upon sound biblical and theological foundations.

b. The Bible as Special Revelation

Dean Titus suggests that God gave the law in the Bible for the more general purpose of governing all people, in all places, and at all times through their civil governments.¹³⁶ Although he would undoubtedly accept the classical distinction in Christian theology between general and special revelation, he blurs the lines between them when he presents the law in the Bible as given for "the nations."

General revelation is God's revelation to all humankind, in all places, and at all times, and it includes God's revelation in nature, providential history, the divine image in humans, the human conscience, and the order of causality. Special revelation is God's revelation to particular persons, in particular places, and at particular times and includes God's revelation in redemptive history, the Bible, and supremely Jesus Christ.¹³⁷ Special revelation is given primarily to reveal God's redemption of his people.¹³⁸ Thus, the Bible is redemptive

law occurred in Münster during the Reformation. *See generally* 2 JUSTO L. GONZALEZ, *THE STORY OF CHRISTIANITY—THE REFORMATION TO THE PRESENT DAY* 57-59 (1985). Puritan New England is another instance of such an experiment. *See generally* E. DIGBY BALTZELL, *PURITAN BOSTON AND QUAKER PHILADELPHIA—TWO PROTESTANT ETHICS AND THE SPIRIT OF CLASS AUTHORITY AND LEADERSHIP* (1979); MARTIN E. MARTY, *PILGRIMS IN THEIR OWN LAND: 500 YEARS OF RELIGION IN AMERICA* 58-66 (1984); MARK A. NOLL, *A HISTORY OF CHRISTIANITY IN THE UNITED STATES AND CANADA* 38-51 (1992); LELAND RYKEN, *WORLDLY SAINTS: THE PURITANS AS THEY REALLY WERE* (1986). The blend of religion and civil society, of church and state, in Puritan New England was often oppressive, and Roger Williams and Anne Hutchison, the two most widely known dissenters to Puritan intolerance, were expelled from Puritan communities. *See* MARTY, *supra*, at 75-82; NOLL, *supra*, at 55-62; STEPHEN J. STEIN, *COMMUNITIES OF DISSENT: A HISTORY OF ALTERNATIVE RELIGIONS IN AMERICA* 15-20 (2003). Vermont, Connecticut, New Hampshire, Maine, and Massachusetts retained some semblance of their religious establishments until 1807, 1818, 1819, 1820, and 1832/1833, respectively. Carl H. Esbeck, *Dissent and Disestablishment: The Church-State Settlement in the Early American Republic*, 2004 *BYU L. REV.* 1385, 1458.

136. Titus Lecture, *supra* note 3, at 305-08.

137. *See generally* ERICKSON, *supra* note 54, 153-98 (1985); Bruce A. Demarest, *General Revelation*, in *EVANGELICAL DICTIONARY OF THEOLOGY*, *supra* note 60, at 944-45; Carl F. H. Henry, *Special Revelation*, in *EVANGELICAL DICTIONARY OF THEOLOGY*, *supra* note 60, at 945-48.

138. Special revelation is especially linked to redemption, as theologian Carl F. H. Henry observed:

Special revelation is redemptive revelation. It publishes the good tidings that the

revelation and gives the knowledge of God and his will that is necessary for human salvation.¹³⁹

holy and merciful God promises salvation as a divine gift to man who cannot save himself ([Old Testament]) and that he has now fulfilled that promise in the gift of his Son in whom all men are called to believe ([New Testament]). The gospel is news that the incarnate Logos has borne the sins of doomed men, has died in their stead, and has risen for their justification. This is the fixed center of special redemptive revelation.

Henry, *Special Revelation*, *supra* note 137, at 946.

139. A broad consensus exists among Christians that the Bible is special revelation providing all that is necessary for salvation. In the Anglican tradition, the Thirty-Nine Articles of Religion declare that the Bible contains “all things necessary to salvation: so that whatever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of the faith, or be thought requisite or necessary to salvation.” *The Thirty-Nine Articles*, in 2 CREEDS AND CONFESSIONS OF FAITH IN THE CHRISTIAN TRADITION 529 (Jaroslav Pelikan & Valerie Hotchkiss eds., 2003) (1571) [hereinafter CREEDS AND CONFESSIONS].

In the Reformed tradition, the Westminster Confession of Faith instructs that God in the Holy Scripture has “reveal[ed] himself [] and . . . declare[d] that his will unto his Church”; the Bible provides “that knowledge of God, and of his will, which is necessary unto salvation.” *The Westminster Confession of Faith*, in 2 CREEDS AND CONFESSIONS 604 (1647). The Confession adds: “The whole counsel of God, concerning all things necessary for his own glory, man’s salvation, faith, and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture . . .” *Id.* at 607. The Confession states that general revelation (“[T]he light of nature, and the works of creation and providence”) manifests “the goodness, wisdom, and power of God, [sufficiently] to leave men inexcusable” but that it is “not sufficient to give that knowledge of God, and of his will, which is necessary unto salvation.” *Id.* at 604. *See also The Second Helvetic Confession*, in 2 CREEDS AND CONFESSIONS, *supra*, at 460 (declaring that “God himself spoke to the fathers, prophets, apostles, and still speaks to us through the Holy Scriptures. And in this Holy Scripture, the universal Church of Christ has the most complete exposition of all that pertains to a saving faith, and also to the framing of a life acceptable to God.”); *The Canons of the Synod of Dordt*, in 2 CREEDS AND CONFESSIONS, *supra*, at 569-600 (1618-19) (providing instruction regarding the inadequacy of the light of nature for saving knowledge (Article 4), the inadequacy of the Mosaic law for salvation (Article 5), and the saving power of the gospel (Article 6)).

In the Baptist tradition, an early group in London, England explained that “[t]he Holy Scripture is the only sufficient, certain, and infallible rule of all saving Knowledge, Faith and Obedience.” *The Second Baptist London Confession of 1689*, <http://www.creeds.net/baptists/1689/original/1689bc.html>. Early nineteenth-century Baptists in New Hampshire declared that the Bible “was written by men divinely inspired,” “is a perfect treasure of heavenly instruction,” and “has God for its author, salvation for its end.” *The New Hampshire Confession*, in 3 CREEDS AND CONFESSIONS, *supra*, at 243 (1833/1853). *See also Southern Baptist Convention 2000 Baptist Faith and Message* (declaring that the Bible “has God for its author, salvation for its end, and truth, without any mixture of error, for its matter All Scripture is a testimony to Christ, who is Himself the focus of divine revelation”).

Likewise, in the Roman Catholic tradition, the Bible is understood as follows:

Because the Bible is special revelation given to particular persons, in particular places, and at particular times, the proper interpretation of particular biblical passages depends upon consideration of the limiting effect that the particular circumstances of particular passages have on meaning and application. The Apostle Paul reflected a similar concern about correctly interpreting the Scriptures when he instructed his friend and apprentice Timothy to “[d]o [his] best to present [him]self to God as one approved, a workman who does not need to be ashamed and who correctly handles the word of truth.”¹⁴⁰ Paul emphasized the critical importance of Timothy being diligent in his work and careful in his handling of the word of truth, the gospel of Jesus Christ, because false teachers abounded in the city of Ephesus.¹⁴¹ Later in this same letter, the Apostle Paul instructed that “[a]ll Scripture is God-breathed and is useful for teaching, rebuking, correcting and training in righteousness, so that *the man of God* may be thoroughly equipped for every good work.”¹⁴² Thus, although Paul emphasized the great usefulness of the Scriptures (at that time the Old Testament because the New Testament was still being written), this usefulness was linked to equipping God’s people for good works, and the Scriptures had to be read and understood correctly in light of God’s saving work in Jesus Christ.¹⁴³

All Sacred Scripture is but one book, and that one book is Christ, because all divine Scripture speaks of Christ, and all divine Scripture is fulfilled in Christ. The Sacred Scriptures contain the Word of God and, because they are inspired, they are truly the Word of God. God is the author of Sacred Scripture because he inspired its human authors; he acts in them and by means of them. He thus gives assurance that their writings teach without error his saving truth. Interpretation of the inspired Scripture must be attentive above all to what God wants to reveal through the sacred authors for our salvation. . . .

Catechism of the Catholic Church ¶¶ 134-37, http://www.vatican.va/archive/ENG0015/_index.htm. The Roman Catholic Church emphasizes the central place of the four Gospels “because Christ Jesus is their centre.” *Id.* at ¶ 139. Additionally, “[t]he unity of the two Testaments proceeds from the unity of God’s plan and his Revelation. [T]he Old Testament prepares for the New and the New Testament fulfils the Old; the two shed light on each other; both are true Word of God.” *Id.* at ¶ 140.

140. 2 *Timothy* 2:15 (NIV).

141. See 2 *Timothy* 1:8-14; see also *Acts* 19; 2 *Timothy* 2:14, 16-18; *Revelation* 2:1-7.

142. 2 *Timothy* 3:16-17 (NIV) (emphasis added). Nothing in this passage suggests that the Scriptures (or biblical law) were given for the purpose of governing all civil governments or Gentile “nations.”

143. Theologian Bernard Ramm has reflected this understanding well:

Not only is Protestant interpretation grounded in the plenary inspiration of the Scriptures, but it takes also as the counterpart of that truth the greatest purpose of the Bible, namely, to produce a spiritual effect in the life of the man that reads it. Augustine was not wrong when he said the guide of interpretation was LOVE—

With biblical law, it is especially important for readers and interpreters to understand that it was given to a particular people, in particular places, and at particular times. Reading the Bible as special revelation, which was given for salvific and redemptive purposes, helps the interpreter to remain focused upon the principal end of the Bible, which is salvation. By contrast, reading the Bible as God's law book, which Dean Titus encourages, means reading it with civil or civic purposes firmly in mind, but this approach exposes the reader to the risk of misreading the Bible and under-appreciating its nature as special revelation that gives the knowledge that is necessary for human salvation.

c. Jesus Christ as the Fullness of God's Revelation and Biblical Law as Limited Revelation

The Apostle John and the Apostle Paul emphasized that God's revelation in Jesus Christ surpasses God's revelation through law. According to John, "the law (*νομος*) was given through Moses," but "grace and truth came through Jesus Christ."¹⁴⁴ Jesus Christ, the living Word of God, the *λογος* of creation, is

love to God and love to man. All the historical, doctrinal, and practical truth of the Bible is for one purpose: to promote the spiritual prosperity of man. The Bible is not an end; it is a means. Its purpose is first of all to make us wise unto salvation, and secondly to benefit us in our Christian life through doctrine, reproof, correction, and instruction in righteousness (2 Tim. 3:15-17). The end result is that we might be men of God completely equipped in good works. The prostitution of the Bible from means to end is an ever present danger . . .

BERNARD RAMM, *PROTESTANT BIBLICAL INTERPRETATION: A TEXTBOOK OF HERMENEUTICS FOR CONSERVATIVE PROTESTANTS* 88 (1956) (emphasis omitted).

144. *John* 1:17 (NIV). See also 1 *John* 1:1-3. The Greek word *νομος* is rendered "law" in English. For a general study of the word "law" in the Bible and *νομος* in the New Testament and the Septuagint, see 2 NIDNTT, *supra* note 123, at 438-56; 4 TDNT, *supra* note 103, at 1022-91. John's law-Word antithesis is "one of the essential themes of the prologue[to his gospel]." *Id.* at 134. According to John, grace and truth are "the content of the revelation given in Jesus (v. 17b), which replaces the Mosaic *νομος*, the Torah (v. 17a)." *Id.* at 135. Additionally,

[T]he relation between Christ and Law is a basic question throughout the Gospel [according to John]. The incarnation of the Word has taken place in order that the antithesis to the Jewish Torah may be manifested therein. Nor is the word *λογος* accidental, for the Torah, too, is a Word. . . . But the statements concerning the pre-existence and majesty of the Torah are now intentionally heaped upon the *λογος*. It was in the beginning. It was with God. It was God, or divine. All things were made by it. In it was life. It was the light of men. In the Rabbis these are all sayings about the Torah. But they are now statements about Christ. In Him the eternal Word of God, the Word of creation, the Word of the Law, is not just passed on [] but enacted []. Christ is not just a teacher and transmitter of the Torah. He is Himself the Torah, the new Torah. Mosaism, which is provisional

the “true light that gives light to every man.”¹⁴⁵ The living Word came from the Father, full of grace and truth. The Word became flesh, made his dwelling among humans, and revealed the glory of God.¹⁴⁶ Although “[n]o one has ever seen God,” Jesus Christ, “the One and Only, who is at the Father’s side, has made him known.”¹⁴⁷ Additionally, from the fullness of Christ’s grace, “we have all received one blessing after another.”¹⁴⁸ Likewise, Paul taught that Jesus Christ is the image of the invisible God and that in him all things hold together. Furthermore, Christ is to have supremacy in everything, and in him all of God’s fullness dwells.¹⁴⁹ Because the fullness of God’s revelation is in

and intermediary, has passed. In Jesus Christ the Word of God has taken place in truth. What they behold [] is the content of this true, final, and only Torah: [grace and truth].

Id.

145. *John* 1:9 (NIV). John began his Gospel by announcing Jesus Christ as the Word of God: “In the beginning was the Word, and the Word was with God, and the Word was God. He was with God in the beginning.” *John* 1:1-2 (NIV). Furthermore, John emphasized: “Through him all things were made; without him nothing was made that was made. In him was life, and that life was the light of men. The light shines in the darkness, but the darkness has not understood it.” *John* 1:3-5 (NIV). John employed the Greek word *λογος*, which has a rich history in Greek, Hebrew, and Christian thought. See generally 3 NIDNTT, *supra* note 123, at 1078-1146; 4 TDNT, *supra* note 103, at 69-192. The word *λογος* carries within it the sense “of order, and the fixing and systematization brought about by words,” and it may be rendered word, utterance, or meaning in English. 3 NIDNTT, *supra* note 123, at 1078, 1081. Jesus Christ is not the Word of God because he speaks the words of God, but because he himself is the divine revealer and redeemer. *Id.* at 1114. Great theological significance attaches to Jesus Christ’s identification as the *λογος* of creation:

[T]he Logos, the true light which illuminates every man, by whom the world came to be, came to his own property but was not accepted by his own people (Jn.1:5, 9-11). . . . [paragraph division omitted] Without surrendering—indeed, rather, in the application of—his essential divinity, the Word became a mortal man (*sarx*), took up residence amongst men, and, as the presence of God’s glory with men, signified the gift of God’s grace and covenant faithfulness to them (Jn. 1:14, 16), surpassing the OT revelation of the word in the commandment and become event in Jesus Christ (Jn. 1:17 f.).

3 NIDNTT, *supra* note 123, at 1115. Thus, in Jesus Christ, the Word, God himself in his divine glory, “assumes the full reality of historical objectivity, human transience (*sarx*) and human death. . . . In other words, the incarnation of the Word means the presence of God in the person of Jesus, not just the present activity of God in the words of Jesus.” *Id.* at 1117.

146. *John* 1:14.

147. *John* 1:18 (NIV).

148. *John* 1:16 (NIV).

149. See also *Colossians* 1:15-20 (NIV).

He is the image of the invisible God, the first born over all creation. For by him

Jesus Christ, the Bible (including biblical law and its teachings on law and government) should be read and understood Christo-centrally.

This Christo-centric approach is evident in the ministry and writings of Paul. Paul frequently confronted teachers who distorted the Christian message with their law-based emphasis.¹⁵⁰ In fact, after his first missionary journey, he encountered some Jewish Christians who taught that circumcision “according to the custom of Moses” was necessary to salvation.¹⁵¹ Paul traveled to Jerusalem to discuss the issue with the apostles and elders. After the Jerusalem Council, the apostles and elders sent a letter to the Gentile brothers (literally, “the brothers out of the nations (*αδελφοις τοις εξ εθνων*)”) instructing: “It seemed good to the Holy Spirit and to us not to burden you with anything beyond the following requirements: You are to abstain from food sacrificed to idols, from blood, from meat of strangled animals and from sexual immorality. You will do well to avoid these things.”¹⁵² Later Paul confronted Peter when he was in error about the law and observance of Jewish customs.¹⁵³ In contrast to Peter whose conduct was out of “line with the truth of the gospel,”¹⁵⁴ Paul insisted that “if righteousness could be gained through the law, Christ died for nothing.”¹⁵⁵

In Paul’s writings, those who “rely on the law and brag about [their] relationship with God” are profoundly misguided,¹⁵⁶ for having the Mosaic law does not provide any basis for passing judgment on others.¹⁵⁷ Indeed, no person is made right with God by observing the law.¹⁵⁸ Rather, a right standing with God comes by faith, and those who believe receive the blessing of

all things were created: things in heaven and on earth, visible and invisible, whether thrones or powers or rulers or authorities; all things were created by him and for him. He is before all things, and in him all things hold together. And he is the head of the body, the church; he is the beginning and the first born among the dead, so that in everything he might have the supremacy. For God was pleased to have all his fullness dwell in him, and through him to reconcile to himself all things, whether things on earth or things in heaven, by making peace through his blood, shed on the cross.

Id.

150. See, e.g., *Romans* 2:17-29; *Galatians* 2:15-16; 1 *Thessalonians* 2:14-16.

151. *Acts* 15:1 (NIV).

152. *Acts* 15:28-29 (NIV).

153. *Galatians* 2:11 (NIV).

154. *Galatians* 2:14 (NIV).

155. *Galatians* 2:21 (NIV).

156. *Romans* 2:17 (NIV).

157. *Romans* 2:1-11 (NIV).

158. *Galatians* 3:11.

Abraham.¹⁵⁹ Even in the case of Abraham, who lived centuries before the law was given to Moses, he was made right with God by faith, and likewise Jews and Gentiles are made right with God by faith, not by observing the law.¹⁶⁰ Indeed, the gospel was announced to Abraham when he was told that through him “all nations (*παντα τα εθνη*)” would be blessed,¹⁶¹ and this blessing came “to the Gentiles (*τα εθνη*) through Christ Jesus.”¹⁶²

Because salvation comes through faith, the law has a limited purpose: “It was added because of transgressions until the Seed to whom the promise referred had come.”¹⁶³ The law shows that “the whole world is a prisoner of sin, so that what was promised, being given through faith in Jesus Christ, might be given to those who believe.”¹⁶⁴ Thus,

Before this faith came, we were held prisoners by the law, locked up until faith should be revealed. So the law was put in charge to lead us to Christ that we might be justified by faith. Now that faith has come, we are no longer under the supervision of the law.¹⁶⁵

Jesus also was a persistent critic of those who misread the law. Although Jesus taught that he came to fulfill and not to abolish the law or the prophets,¹⁶⁶ he constantly clashed with the biblical scholars of his day for their legalistic reading of the Hebrew Scriptures, a reading that distorted truth and misled the people. He chastised them for emphasizing legal requirements such as tithing, but for neglecting the more important matters involving love, justice, mercy, and good faith.¹⁶⁷ He also confronted them for burdening people with legal

159. *Galatians* 3:6-14. Likewise, the writer of the letter to the Hebrews emphasized that Abel, Enoch, Noah, Abraham, Isaac, Jacob, Joseph, Moses, and others were counted among the people of God because of their faith. *See Hebrews* 11:1-40.

160. *Romans* 1:16-17; 2:1-4:25. *See also Galatians* 1:6-9; 2:11-5:14; *Philippians* 3:3-11.

161. *Galatians* 3:8 (NIV) (quoting *Genesis* 12:3).

162. *Galatians* 3:14 (NIV). For a discussion of the Greek word *εθνη* and its meaning, see *infra* notes 100-101, 108, and 118-124 and accompanying text.

163. *Galatians* 3:19 (NIV).

164. *Galatians* 3:22 (NIV).

165. *Galatians* 3:19-25 (NIV).

166. *See Matthew* 5:17.

167. Jesus taught: “Woe to you Pharisees, because you give God a tenth of your mint, rue and all other kinds of garden herbs, but you neglect justice and the love of God. You should have practiced the latter without leaving the former undone.” *Luke* 11:42 (NIV). The teachers of the law, in Jesus’ words, would “give a tenth of [their] spices—mint, dill and cumin,” but they “neglected the more important matters of the law—justice, mercy and faithfulness.” According to Jesus, “[t]hey should have practiced the latter, without neglecting the former.” *Matthew* 23:23 (NIV). It might also be noted that Jesus did not include jurisdiction as one of the more important matters of the law.

requirements, but failing to help people bear those burdens.¹⁶⁸ In Jesus' view, the legal experts in their reading of the Bible had "taken away the key to knowledge,"¹⁶⁹ and their misunderstanding of the law contributed to their hypocrisy and caused them to be blind guides and blind fools.¹⁷⁰

From a Christian perspective, misreading the law of God in the Bible can lead to a profound misunderstanding of truth, the fullness of God's revelation in Jesus Christ, and the message of God's love and his salvation through Jesus Christ. Similarly, failing to comprehend the revelatory limits of biblical law and reading the Bible as God's law book expose the interpreter to the risk of distorting God's revelation. Thus, the premise that the Bible is God's law book for the nations should not be uncritically accepted, and Dean Titus's suggestions that the Bible gives the rules that should govern civil governments and that the Bible "should reveal to us the law that governs every civil society" should be subjected to careful biblical and theological analysis.¹⁷¹

d. The Tools Needed to Begin to Handle Biblical Law Properly

Although Dean Titus urges his audience to find in the Bible the rules that govern "the nations" (civil governments), he does not provide guidance regarding proper biblical interpretation or instruction regarding the interpretive tools needed to handle the Bible rightly. Indeed, Dean Titus does not alert his audience to the many interpretative challenges that face the modern biblical interpreter, and he does not help his audience to appreciate the serious perils that result from mishandling the Bible and its teachings.

Nevertheless, it is important for Dean Titus's audience to understand that interpreting Old Testament and New Testament texts is a challenging endeavor that requires much skill and great care. Among the interpretive challenges are the relationship between the Old and New Testaments and the continuity and discontinuity exhibited therein. Indeed, understanding the Old and New Testaments in light of each other raises complex interpretive and theological issues that have tested the skill of biblical interpreters for millennia.¹⁷²

168. He added: "And you experts in the law, woe to you, because you load people down with burdens they can hardly carry, and you yourselves will not lift one finger to help them." *Luke* 11:46 (NIV). In the Gospel according to Matthew, Jesus criticized the teachers of the law because they "tie up heavy loads and put them on men's shoulders, but they themselves are not willing to lift a finger to move them." *Matthew* 23:4 (NIV).

169. *Luke* 11:52 (NIV).

170. *Matthew* 23:15-17 & 24. In Jesus' day, the experts in the Mosaic law would "travel over land and sea to win a single convert, and when he becomes one, [they] make him twice as much a son of hell as [they] are." *Matthew* 23:15 (NIV).

171. Titus Lecture, *supra* note 3, at 308.

172. Of course, Christian interpreters of the Bible have differed greatly in their

Furthermore, God's special revelation in the Bible exhibits a progressive character from the earliest to the last books written that also poses interpretive challenges.¹⁷³ For these reasons, there is a critical need for biblical interpreters to develop a sound hermeneutical approach and to learn to use the tools of interpretation skillfully.

A sound approach begins with a recognition of the Bible's inspiration and authority, but it will also incorporate methods that focus examination on the biblical texts, including original languages, grammatical construction, and literary genres; on authorial intent, including the fuller meaning that emerges when biblical passages are used to interpret other biblical passages; and on the cultural and historical contexts surrounding the writing of the biblical texts. A sound approach also includes an attentiveness to important distinctions: between those parts of the Bible intended for specific audiences, and those intended for a general audience; between those aspects of biblical law that apply to all people, in all places, and at all times, and those aspects that are limited to certain people, in certain places, and during certain times; between those aspects that applied to the Hebrew people, those that applied to Christians, and those that applied to Gentiles; and between those aspects that are culturally and temporally bound, and those that are not.¹⁷⁴

understanding of the law of God in the Bible, in their perspective regarding continuity and discontinuity between the Old and New Testaments, and in their assessment of the extent to which the law in the Old Testament continues to apply to New Testament Christians. Covenantal and dispensational thinkers in particular offer sharply opposed perspectives, and their profound disagreement illustrates the magnitude of the challenge of holding a proper understanding. For a general survey of the differences in approach, see JOHN S. FEINBERG, *CONTINUITY AND DISCONTINUITY: PERSPECTIVES ON THE RELATIONSHIP BETWEEN THE OLD AND NEW TESTAMENTS* (1988). This Response does not attempt to resolve these issues. Rather, it offers a biblical and theological evaluation of Dean Titus's approach, noting certain problems that result, and it highlights a broad Christian consensus regarding how to interpret the law of God. See *infra* notes 172-86 and accompanying text.

173. The idea of progressive revelation is "that later revelation builds upon earlier revelation. It is complementary and supplementary to it, not contradictory. . . . The revelation of God is a process even as is redemption, and a process which moved to an ever more complete form." ERICKSON, *supra* note 53, at 197-98.

174. In addition to modern translations of the Bible, biblical commentaries, critically prepared Hebrew and Greek texts, and treatises treating biblical and systematic theology, biblical interpreters today have a host of excellent tools available to assist in the skillful interpretation of the Bible and the proper handling of the texts in their syntactical, grammatical, contextual, historical, literary, and theological settings. See, e.g., GORDON D. FEE & DOUGLAS STUART, *HOW TO READ THE BIBLE FOR ALL ITS WORTH: A GUIDE TO UNDERSTANDING THE BIBLE* (1982); SIDNEY GREIDANUS, *THE MODERN PREACHER AND THE ANCIENT TEXT: INTERPRETING AND PREACHING BIBLICAL LITERATURE* (1988); WILLIAM W. KLEIN, CRAIG L. BLOMBERG, & ROBERT L. HUBBARD, *INTRODUCTION TO BIBLICAL INTERPRETATION* (2004); MICKELSEN, *supra*

These sorts of concerns led theologians in various Christian traditions to develop guidelines to assist with the interpretation of God's law, and some of these guidelines are set forth in historic Protestant statements of faith.¹⁷⁵ These statements exhibit a common understanding that God's law is of three types: moral, ceremonial, and judicial/civil. In the Anglican tradition, the *Thirty-Nine Articles of Religion* express the threefold division of "the law given from God by Moses." The ceremonial law (the law "touching ceremonies and rites") does not bind Christians, but no Christian is "free from the obedience of the commandments which are called moral." As for the civil law in the Old Testament, "the civil precepts" ought not "of necessity to be received in any commonwealth."¹⁷⁶

In the Reformed tradition, the *Westminster Confession of Faith* recognizes the same threefold division of God's law.¹⁷⁷ The moral law, which God gave to Adam, binds all of Adam's posterity, for it is a "perfect rule of righteousness." Written on the human heart prior to the fall and later delivered in the Ten Commandments, the moral law contains both duties to God and duties among humans, and it binds all people, in all times, and at all places.¹⁷⁸ The moral law

note 50; GRANT R. OSBORNE, *THE HERMENEUTICAL SPIRAL: A COMPREHENSIVE INTRODUCTION TO BIBLICAL INTERPRETATION* (1991); BERNARD L. RAMM ET AL., *HERMENEUTICS* (1987); RAMM, *supra* note 143; ROBERT A. TRAINA, *METHODICAL BIBLE STUDY: A NEW APPROACH TO HERMENEUTICS* (1980); HENRY A. VIRKLER & KARELYNNE GERBER AYAYO, *HERMENEUTICS: PRINCIPLES AND PROCESSES OF BIBLICAL INTERPRETATION* (2007); ZUCK, *supra* note 50.

175. These guidelines should not be understood to displace the Bible as the ultimate standard and authority, and the drafters of these statements of faith would undoubtedly agree that the Bible is the standard against which to measure any statement of faith. Nevertheless, every biblical interpreter (including Dean Titus and the Author of this Response) brings a set of presuppositions, some semblance of an interpretive grid, and other personal qualities to the study of the biblical texts, and these matters affect each interpreter's understanding of the texts. In other words, each interpreter's subjective perspective adds to the interpretive challenges and, if not managed well, can lead to idiosyncratic interpretations. To guard against these problems, prudent interpreters consult other interpreters, the broader Christian community, and traditional interpretations of the Bible. Furthermore, although the magisterial reformers of Protestant Christianity espoused the *sola scriptura* principle, according to which the Scriptures were understood to be the Word of God and the sole authority over and against church tradition and human opinion, they nevertheless did not dismiss or disregard tradition. Rather, the magisterial reformers had a positive view of tradition and found traditional interpretations of Scripture acceptable as long as the traditional interpretations could be justified in Scripture. See ALISTER E. MCGRATH, *REFORMATION THOUGHT: AN INTRODUCTION* 134-58 (2d ed. 1993).

176. *The Thirty-Nine Articles*, in 2 *CREEDS AND CONFESSIONS*, *supra* note 139, at 526-40 (1571).

177. *The Westminster Confession of Faith*, in 2 *CREEDS AND CONFESSIONS*, *supra* note 139, at 628-29 (addressing the law of God in Chapter XIX).

178. *Id.* at 629. See also *Westminster Larger Catechism*, in *BOOK OF CONFESSIONS*, *supra*

requires people to love God with all of their heart, soul, and mind and to love their neighbors as themselves.¹⁷⁹ The ceremonial law regulated Jewish religious practices and worship, and it also prefigured “Christ, his graces, actions, sufferings, and benefits.” Although it provided instructions regarding certain moral duties, the ceremonial law was abrogated in the New Testament with the saving work of Christ.¹⁸⁰ The civil or judicial laws applied to the Hebrew people as a political entity, but they expired with “the state of that people.” Thus, the body of Jewish civil law no longer obligates, except as “the general equity thereof may require.”¹⁸¹ The theologians of Westminster

note 49, at 208-09 (Questions 92-98) (instructing that the moral law is of use to both Christians and non-Christians, although the particular uses vary). The Second Helvetic Confession specifically states that this moral law was given in both the natural law (the moral law written on the heart) and in the Decalogue. *The Second Helvetic Confession*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 479 (1566) (stating that “this law was at one time written in the hearts of men by the finger of God (Rom. 2:15), and is called the law of nature (the law of Moses is in two tables), and at another it was inscribed by his finger on the two Tables of Moses, and eloquently expounded in the books of Moses (Ex. 20:1 ff.; Deut. 5:6 ff.).”).

179. The Westminster Larger Catechism instructs that the “sum of the four commandments containing [humans’] duty to God is, to love the Lord our God with all our heart, and with all our soul, and with all our strength, and with all our mind.” BOOK OF CONFESSIONS, *supra* note 49, at 210 (Question 102). The Catechism adds that the “sum of the six commandments which contain our duty to man, is, to love our neighbour as ourselves, and to do to others what we would have them to do to us.” BOOK OF CONFESSIONS, *supra* note 49, at 215 (Question 122). See also *The Heidelberg Catechism*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 448-49 (Questions 93 and 94) (1563).

180. *The Westminster Confession of Faith*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 629.

181. *Id.* at 629. John Calvin, one of the fathers of the Reformed tradition, confronted in the Anabaptists sects certain interpreters who mishandled biblical law. In answer to those who urged that civil governments dishonor the law of God when they enact “new laws” rather than the judicial or civil laws of the Old Testament, Calvin argued that God did not intend the Jewish judicial laws to apply to all of the peoples throughout the world:

[T]he statement of some, that the law of God given through Moses is dishonored when it is abrogated and new laws preferred to it, is utterly vain. For others are not preferred to it when they are more approved, not by a simple comparison, but with regard to the condition of times, place, and nation; or when that law is abrogated which was not enacted for us. For the Lord through the hand of Moses did not give that law to be proclaimed among all nations and to be in force everywhere; but when he had taken the Jewish nation into his safekeeping, defense, and protection, he also willed to be a lawgiver especially to it; and—as became a wise lawgiver—he had special concern for it in making its laws.

CALVIN, INSTITUTES, *supra* note 127, at 4.20.16. In Calvin’s view, the proponents of these errors failed properly to distinguish among the moral, ceremonial, and judicial laws and to understand that not all of the law of God given through Moses pertains to Christians or civil

deemed this understanding of God's law to comply with the gospel of God's grace.¹⁸²

Early Baptists in London adopted a confession of faith that expresses a similar understanding of the law of God, including the same threefold division.¹⁸³ The *Second London Baptist Confession of Faith* declares that the moral law, the perfect rule of righteousness, which was written on the heart of man before the fall and delivered in the Ten Commandments after the fall, binds all people forever.¹⁸⁴ The ceremonial law was appointed only for a particular time and was abrogated through the work of Christ.¹⁸⁵ The civil or judicial law expired with the Jewish state, and it no longer obliges, although the general equity of the civil laws may be of moral use.¹⁸⁶

These Protestant statements manifest an impressive consensus. They agree that the law of God is of three basic types: the moral law, the ceremonial law, and the civil law. Before the fall, God wrote the moral law on human hearts, and this moral law continues to bind all humans, in all places, and at all times. God also revealed this moral law in the Ten Commandments, the writings of the prophets and the apostles, and the teachings of Jesus Christ, and this moral

governments. *Id.* at 4.20.14.

182. *The Westminster Confession of Faith*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 629-30. Other Reformed confessional statements, including the *Second Helvetic Confession*, the *Canons of Dort*, and the *Savoy Declaration*, advance a similar understanding of God's law.

See *The Second Helvetic Confession of Faith*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 458-525 (instructing on the law of God in Chapter 12); *The Canons of the Synod of Dort*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 569-600 (1618-19) (instructing on the law of God in Article 5); *The Savoy Declaration of Faith and Order*, in 3 CREEDS AND CONFESSIONS, *supra* note 139, at 106-35 (1658) (modifying the *Westminster Confession of Faith* for a congregational polity but retaining the same basic teachings on the law of God). The *Heidelberg Catechism* and the *Westminster Larger and Shorter Catechisms* reflect the same teachings on the law of God and the moral law. *The Heidelberg Catechism*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 427-57; *The Westminster Shorter Confession of Faith*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 650-62; *The Westminster Larger Confession of Faith*, in BOOK CONFESSIONS, *supra* note 49, at 208-20.

183. The *Second London Baptist Confession of Faith* was adopted in 1677/1689. Baptists have historically refused to recognize creedal statements and tradition as authoritative. TIMOTHY GEORGE, BAPTIST CONFESSIONS, COVENANTS, AND CATECHISMS 2-4 (1996); L. RUSS BUSH & TOM J. NETTLES, BAPTISTS AND THE BIBLE 206, 324, 326 (1980). Instead, Baptists view the Bible as their authoritative creed for all matters of faith and doctrine. The *New Hampshire Baptist Confession of Faith* declares that the Bible is "the supreme standard by which all human conduct, creeds, and opinions should be tried." *The New Hampshire Confession*, in 3 CREEDS AND CONFESSIONS, *supra* note 139, at 243 (1833/1853).

184. *The Second London Baptist Confession of Faith of 1689*, *supra* note 139.

185. *Id.*

186. *Id.*

law is summed up in the commandments to love God and neighbor. Although God's law includes ceremonial laws, the ceremonial laws were abrogated with the redemptive work of Christ, who made the final sacrifice. God also gave ancient Israel certain civil or judicial laws that applied the moral law in its unique cultural settings, but these laws expired with the end of the Jewish state. Thus, these statements affirm the moral law of God, not the civil law of Israel, as the eternal rule of God's righteousness for all people, in all places, and at all times.¹⁸⁷

It is helpful to note that these statements of faith were adopted during an important period for purposes of Anglo-American law. Some of the earliest of these statements were adopted within a few years of the death of the last of the magisterial reformers,¹⁸⁸ and several of these statements were adopted in the seventeenth century when English law and government experienced revolutionary change and the American colonies were founded.¹⁸⁹ These statements would have factored into the religious formation of many key personalities who contributed to developments in Anglo-American law and government during the seventeenth and eighteenth century. Furthermore, for Protestant Christians in colonial America, whether in the Reformed tradition (Presbyterian and Congregational), the Anglican tradition (Anglican, Episcopalian, and Methodist), or the Baptist tradition, these statements would

187. Other Christian theologians in the Lutheran and the Roman Catholic traditions have held a similar view of God's law. For instance, Philip Melancthon, the early Lutheran reformer and theologian, recognized the same three-fold division of the law of God given through Moses: the moral law; the ceremonial law; and the civil law. According to Melancthon, the moral law is eternal, but the ceremonial and judicial laws are temporal and "were to remain only until the coming of the Messiah and the true expiatory sacrifice." PHILIP MELANCTHON, *LOCI COMMUNES* 117-21 (Meador Publ'g Co., 2d ed. 1944) (1521). Thomas Aquinas, the eminent Catholic theologian and philosopher, wrote extensively on law. He provided a widely regarded definition of law as "an ordinance of reason for the common good, made by him who has care of the community, and promulgated." ST. THOMAS AQUINAS, *SUMMA THEOLOGICA*, pt. I-II q. 90 (Benziger Bros. ed., 1947) (1274) available at <http://www.ccel.org/a/aquina/summa.html>. He recognized four types of law: the eternal law, the natural law, the divine law, and human law. *Id.* at q. 91-97. He also concluded that the law of God in the Bible has three distinct facets: moral, ceremonial, and judicial. *Id.* at q. 98-105. Thus, like other theologians in the Anglican, Reformed, and Baptist traditions, Melancthon and Aquinas understood the moral law to apply to all people, in all places, and at all times, but the ceremonial law and civil laws of Israel to be of limited application.

188. German reformer Martin Luther, Swiss reformer Ulrich Zwingli, and French Reformer John Calvin are the three magisterial reformers. Zwingli died on October 11, 1531, Luther on February 18, 1546, and Calvin on May 27, 1564. The *Thirty-Nine Articles of Religion* were adopted in 1563. The *Second Helvetic Confession* was adopted in 1562/1564.

189. For a discussion of the seventeenth century revolutions in English law and government, see generally *THREE BRITISH REVOLUTIONS: 1641, 1688, 1776* (J.G.A. Pocock ed., 1980).

have provided instruction regarding basic doctrines of the faith, including teaching regarding the Bible and the law of God, and the threefold division of God's law would have informed their interpretive approach to the Bible.¹⁹⁰

In summary, an undiscerning reading of the Bible as God's law book for "the nations" is a perilous endeavor. Although Dean Titus encourages his audience to read the Bible as it relates to law and civil government, he neither warns his audience of the great perils of misinterpreting and misusing the law of God, nor provides instruction about how his audience should study the Bible and obtain a proper understanding. Additionally, reading the Bible as a law book creates a tension with the historic Protestant understanding of the Bible as God's special and redemptive revelation. It is important for Dean Titus's audience to appreciate the perils that attend his approach, to examine the biblical passages he uses to support his theory, to study the passages that challenge his theory, and to recognize the wisdom reflected in the historic statements of Protestant faith, including the threefold division of God's law.

D. Does the Apostle Paul's Teaching in Romans Two and Thirteen Support Dean Titus's Theory of Law and Civil Government?

For Dean Titus, "a very important first principle" of the "lawful use of law" principle is that the "civil ruler has authority over *conduct*."¹⁹¹ Consistent with his premises, his jurisdictional reading of the Bible, and his reading of *Romans* thirteen, Dean Titus asserts that "the Bible teaches that the jurisdiction of civil rules is limited to only 'civil conduct,' not conduct in general."¹⁹² In this context, Dean Titus discusses criminal law, calling his audience's attention to "the jurisdictional significance of this foundational premise: a person may be a murderer, but a civil government only has authority over an *act* of murder. . . . The civil government does not have any authority over who you are, but only over what you do."¹⁹³ Dean Titus adds that "the first limitation on civil

190. For example, many of the American founders were trained at the College of New Jersey (later named Princeton University) and, from this education, would have inherited a Reformed perspective on law and government. See MARK NOLL, *PRINCETON AND THE REPUBLIC, 1768-1822: THE SEARCH FOR A CHRISTIAN ENLIGHTENMENT IN THE ERA OF SAMUEL STANHOPE SMITH* 77-98 (2004); CHRISTIAN PERSPECTIVE ON LEGAL THOUGHT 293-94 (Michael W. McConnell, Robert F. Cochran, & Angela C. Carmella eds., 2001); *DICTIONARY OF CHRISTIANITY IN AMERICA* 943 (Daniel G. Reid, Robert D. Linder, Bruce L. Shelley, & Harry S. Stout eds., 1990).

191. Titus Lecture, *supra* note 3, at 311 (emphasis in original).

192. *Id.* at 312.

193. *Id.* at 311. Perhaps Dean Titus's argument is just inartfully stated, but it also seems a little too clever. Dean Titus would probably agree that a person who commits murder is a murderer and that a person who does not commit murder is not a murderer. This seemingly

jurisdiction is God's claim that He has *exclusive* jurisdiction over who you are."¹⁹⁴ Later in his Lecture, he does acknowledge that civil government has a role in promoting good, which he understands to mean protecting those who obey God's commandments, including the "dominion mandate."¹⁹⁵ Once again, Dean Titus's presentation should be examined against the Apostle's teaching in *Romans*, especially *Romans* thirteen.¹⁹⁶

manifests the very close linkage that exists between who a person is and what a person does. It would seem then that the commission of murder would give civil government jurisdiction over both the murdering conduct by the murderer and the person who has committed the murder (namely, the murderer). In any event, this is a strange argument for Dean Titus to make, for he also defends the civil government's jurisdiction to impose the death penalty, which is seemingly the ultimate human exertion of jurisdiction over a person and over who a person is.

194. *Id.* at 312 (emphasis added). Dean Titus's argument that God has *exclusive* jurisdiction over who a person is seems ill-founded. If God has *exclusive* jurisdiction over who a person is, then that person must also be excluded from jurisdiction over himself or herself. If that is the case, then a whole host of additional problems confront Dean Titus's thesis, not the least of which is the proper basis for personal responsibility.

In this context, Dean Titus comments that King David "committed murder and adultery, but he was not a murderer or an adulterer, for the Bible teaches that David was a man after God's own heart. God claims exclusive jurisdiction over the heart of every human being." *Id.* Dean Titus's argument concerning David is difficult to comprehend, and his distinction between being and doing seems to create a fair bit of the problem. Several biblical passages teach that David was a man after God's own heart, that David committed murder and adultery, and that he was a man of blood, which kept him from being able to build the Temple. *See* 1 *Samuel* 13:14; 2 *Samuel* 11-12; 2 *Samuel* 16:7-8; 1 *Kings* 9:4-5; 1 *Chronicles* 28:3; *Psalms* 51; *Acts* 13:22. Because of the evil in his heart, which was manifest in his sinful conduct, David was held responsible and suffered severe consequences. *See* 2 *Samuel* 12; 13:28-29; 15:1-15; 18:14; 1 *Kings* 2:25; *Psalms* 51. From the biblical accounts, it is reasonable to conclude that David was both an adulterer and a murderer—he was a sinner. Nevertheless, he had a heart for God. Martin Luther, in his important work on the doctrine of justification, provided a better sense when he instructed that the redeemed person is at once a sinner and righteous. One Luther scholar provided the following explanation of this aspect of Luther's theology: "Through Christ's exchange the faithful Christian is 'simultaneously sinner and just'—'simul peccator et iustus.' He is a sinner because self-love and inner resistance against God remain unconquered; he is just because he has been given the righteousness of Christ, which is valid before God." HEIKO A. OBERMAN, *LUTHER: MAN BETWEEN GOD AND THE DEVIL* 184 (Eileen Walliser-Schwarzbart trans., 1989) (1982) (footnote and citation omitted). *See also* TIMOTHY GEORGE, *THEOLOGY OF THE REFORMERS* 71 (1988) (explaining that "[t]he believer is not only both righteous and sinful at the same time but is also always or completely both righteous and sinful at the same time"). The good news of the gospel is that God in his mercy and grace receives those who are sinners and lawbreakers. God takes those who are idolaters, adulterers, and drunkards, and he loves, justifies, and sanctifies them. *See* 1 *Corinthians* 6:9-11.

195. Titus Lecture, *supra* note 3, at 315-16.

196. Dean Titus does not address *Romans* 2 during his Lecture, but during the Question and Answer Session in his discussion of Blackstone, he observes: "*Romans* [2], likewise, is a

1. The Moral Law, the Natural Law, and Gentiles in *Romans* Two

Paul, in writing his letter to the Romans, addressed deeply divided Jewish and Gentile Christians in Rome. Their diverse ethnic and religious backgrounds, lifestyles, and perceived standing with God had led to strife and separation.¹⁹⁷ In a letter calling Jewish and Gentile Christians to come together in love based upon God's mercy and their common faith in Jesus Christ,¹⁹⁸ Paul began by addressing their standing before God—both Jews and Gentiles stood before God under judgment for their failure to satisfy the requirements of God's standard.¹⁹⁹ In addition to showing that both Jews and Gentiles stand condemned and in need of Christ's saving work, he explained how Jews and Gentiles fit into God's overall plan of redemption.²⁰⁰

Jews, the descendants of Abraham, stood before God judged by the law that God had given through Moses.²⁰¹ Likewise, Gentiles (non-Jewish peoples) stood judged by the law that God had written on all human hearts:

Indeed, when Gentiles (*εθνη*), who do not have the law, do by nature things required by the law, they are a law for themselves, even though they do not have the law, since they show that the requirements of the law are written on their hearts, their consciences also bearing witness, and their thoughts now accusing, now even defending them.²⁰²

According to Paul, although Gentile peoples (the nations) do not have the Mosaic law, they have the moral law written on their hearts, and this gives sufficient knowledge of God's law to condemn them.²⁰³ Thus, for both Gentile and Jewish peoples, God has revealed his moral law by writing it on their hearts and by revealing it through Moses,²⁰⁴ and this moral law applies to all humans

testament that the law is written on the heart of every human being. That would be an example of the law of nature as God's law revealed not only in nature but also in the Holy Scripture." *Id.* at 324.

197. See *Romans* 1-4; 9-11; 14:1-15:13.

198. See *Romans* 1:6-7, 14-17; 12:1-21; 13:8-10.

199. See *Romans* 2:1-13; 3:9-20.

200. See *Romans* 4, 9-11.

201. *Romans* 2:17-3:8.

202. *Romans* 2:14-15 (NIV).

203. *Romans* 2.

204. This Section uses the term "moral law" as it is used in the Westminster Confession of Faith. See *supra* notes 177-182 and accompanying text. The term "moral law" appears to comport with Paul's discussion of the law in this passage. One commentator on this passage has observed:

There are Gentiles who, despite their apparent disadvantage in not possessing

and demonstrates their failure to meet God's eternal, moral standard of righteousness.²⁰⁵

Based upon this biblical text, a persuasive argument can be made that the moral law written by God on the hearts of all humans (i.e., the natural law) is God's "law book" for "the nations" (i.e., the Gentile peoples).²⁰⁶ When Paul

the Mosaic law, "do by nature" what the law requires.

What are these things? Presumably, they are not matters peculiar to the law of Moses, but moral and ethical requirements widely recognized and honored in mankind generally. It is a commonplace of rabbinic teaching that Abraham kept the laws of Sinai long before they were given. Philo taught a correspondence between the law and nature, saying that Moses "wished to show that the enacted ordinances are not inconsistent with nature" (*On Abraham*, 5). Again, Philo notes that Moses begins his work with an account of the creation of the world, "implying that the world is in harmony with the Law, and the Law with the world, and that the man who observes the law is constituted thereby a loyal citizen of the world, regulating his doings by the purpose and will of Nature, in accordance with which the entire world itself also is administered" (*On the Creation*, 3).

10 THE EXPOSITOR'S BIBLE COMMENTARY (ROMANS-GALATIANS) 31 (Frank E. Gaebelien ed., 1990).

205. See *Romans* 3:19-20.

206. Early Anglican, Baptist, and Reformed doctrinal statements speak with virtual unanimity that the natural law, which is the moral law written on the human heart, is the same moral law that God gave to Moses at Mount Sinai on two tablets—the Ten Commandments—and that this moral law binds all humans, in all places, and in all times. For a fuller treatment of these historic statements, see *supra* notes 175-190 and accompanying text.

According to Dean Titus, William Blackstone in his *Commentaries* distinguished between the law of nature and the natural law and understood "the law of nature [to be] God's will revealed in nature, in the natural world" and "the natural law [to be] man's best understanding of God's revelation." Titus Lecture, *supra* note 3, at 483, 484. Students should also consider a more conventional reading of Blackstone and assess Blackstone's discussion of law in the light of documents such as the *Thirty-Nine Articles of Religion* and the *Westminster Confession of Faith*. See, e.g., Douglas W. Kmiec, *Natural Law Originalism for the Twenty-First Century—A Principle of Judicial Restraint, Not Invention*, 40 SUFFOLK. U. L. REV. 383, 395 (2007); Charles J. Reid, Jr., *Judicial Precedent in the Late Eighteenth and Early Nineteenth Centuries: A Commentary on Chancellor Kent's Commentaries*, 5 AVE MARIA L. REV. 47, 59, 79-81 (2007).

As an Anglican, Blackstone would have learned the threefold division of God's law, which was set forth in the *Thirty-Nine Articles of Religion* and included in the *1662 Book of Common Prayer*. See BOOK OF COMMON PRAYER 607-29 (1981) (1662). For a discussion of the threefold division of God's law in the Anglican tradition, see *supra* note 176 and accompanying text. Students should return to the original source and determine whether Dean Titus's reading, a more conventional reading, or another interpretation is correct. See WILLIAM BLACKSTONE, 1 COMMENTARIES *38-62 (addressing "the Nature of Laws in General" in Section 2 of the Introduction).

In discussing law in general, Blackstone identified several different categories of law: the law of nature/natural law, the revealed law/divine law, the law of nations, and the municipal

law/civil law. The law of nature is the divine creator's will; it includes "certain immutable laws of human nature" that regulate and restrain human free will. *Id.* at *39-40. "[F]ounded in those relations of justice" "that existed in the nature of things antecedent to any positive precept," the laws of nature "are the eternal, immutable laws of good and evil," and they include certain principles: "we should live honestly, should hurt nobody, and should render to every one it's [sic] due." *Id.* at *40. According to Blackstone, God gave "the faculty of reason to discover the purport of those laws [of nature]" and "enabled human reason to discover" the natural law. *Id.* at *40. For Blackstone, the eternal laws of justice are inextricably connected to the pursuit of human happiness and "the constitution and frame of humanity"; in Blackstone's words, God has "so inseparably interwoven the laws of eternal justice with the happiness of each individual[] that the latter cannot be attained but by observing the former." *Id.* at *40.

Thus, one simple precept—"man should pursue his own happiness"—summarizes the rule of obedience for humans, and this precept is "the foundation of what we call ethics, or natural law." *Id.* at *41. The law of nature binds "over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original." *Id.* at *41. Blackstone recognized, however, that human reason is not always clear and perfect as a consequence of the fall. Thus, passion, prejudice, disease, intemperance, corruption, ignorance, and error, which affect human reason and render it frail, imperfect, and blind, make it difficult to apply the law of nature "to the particular exigencies of each individual" and to know "what the law of nature directs in every circumstance of life." *Id.* at *41.

Because of the frailty of reason, God gave "an immediate and direct revelation," the revealed or divine law. *Id.* at *42. The precepts revealed in divine law are "really a part of the original law of nature," but the revealed law is of "infinitely more authority" because divine law "is the law of nature expressly declared so to be by God himself; the [natural law] is only what, by the assistance of human reason, we imagine to be that law." *Id.* at *42. Furthermore, "[u]pon these two foundations, the law of nature and the law of revelation, depend all human laws," and "no human laws should be suffered to contradict these." *Id.* at *42. Blackstone then acknowledged "a great number of indifferent points, in which both the divine law and the natural leave a man at his own liberty." *Id.* at *42. On these matters of indifference, human laws (including municipal laws) have "their greatest force and efficacy." *Id.* at *42. For example, in the case of murder, it "is expressly forbidden by the divine, and demonstrably by the natural law," and "if any human law should allow or injoin us to commit it, we are bound to transgress that human law, or else we must offend both the natural and the divine." *Id.* at *42, 43.

In Blackstone's view, if humans lived in a state of nature, isolated from other people, the law of nature and the divine law would suffice, and no other laws would be necessary. However, people live in society, and other laws (the law of nations and the municipal law) are needed. The law of nations regulates "the mutual intercourse" among separate states, commonwealths, and nations; it "depends entirely upon the rules of natural law, or upon mutual compacts, treaties, leagues, and agreements." *Id.* at *43. For states constructing such compacts, there is "no other rule to resort to, but the law of nature," which is "the only one to which both communities are equally subject." *Id.* at *43.

The municipal law governs particular districts, communities, or nations. It is "a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong." *Id.* at *44. Municipal law, which is made for the community in general, is permanent, uniform, universal, prescribed, and prospective, as opposed to sudden, personal,

addressed civil government in *Romans* thirteen, he applied this basic understanding of the moral law.

2. The Natural Law, Civil Government, and the Public Good in *Romans* Thirteen, verses One through Seven

In *Romans* thirteen, Paul linked his understanding of the moral law to his teaching on civil government. Paul wrote that civil rulers “hold no terror for those who do right (*τω αγαθω εργα*), but for those who do wrong (*τω κακω*).”²⁰⁷ Civil government commends those who “do what is right (*τω αγαθον*),” for the civil ruler “is God’s servant to do you good (*τω αγαθον*).”²⁰⁸ The Greek word *αγαθος* carries an ethical and religious sense and “is used generally for what is good and useful, especially moral goodness in relation to God who is perfect.”²⁰⁹ For those who “do wrong (*τω κακον*),” civil government functions as “God’s servant, an agent of wrath to bring punishment on the wrongdoer (*τω το κακον πρασσοντι*).”²¹⁰ The Greek word *κακος* has the meaning of evil, bad, harmful, wrong, destructive, damaging, and unjust,²¹¹ and in this passage, it carries a moral sense of one who does what is evil or bad or what is contrary to law.²¹² Thus, in discussing the role of civil rulers in governing human society, Paul recognized “the relative difference between

secret, and retroactive. It must be distinguished from an order imposing a sentence, from advice or counsel, and from a compact or agreement. *Id.* at *44-46. Under the municipal law, the person is regarded as a citizen, and a citizen’s enjoyment of benefits that result from “the common union” imposes duties, including the duty to contribute to the “subsistence and peace of the society.” *Id.* at *45. The municipal law differs “from the natural, or revealed” in that the municipal law governs civil conduct, the natural law governs moral conduct, and the revealed law governs both moral conduct and faith. *Id.* at *45. Blackstone completed his discussion of the municipal law by addressing the foundations of civil society, the forms of civil government, the various parts of the municipal law, the binding effect of law, and equity. *Id.* at *47-62.

It is important to note that Blackstone in addressing law in general did not instruct that the Bible is God’s law book for “the nations.” Rather, he indicated that the law of nations, which governs the mutual intercourse among separate states, commonwealths, and nations, depends entirely upon the law of nature, the rules of the natural law. *Id.* at *43. He also explained that lawmakers make the municipal law declaring what is right and wrong based upon the natural law, the revealed law, and “the wisdom and will of the legislator.” *Id.* at *54.

207. *Romans* 13:3.

208. *Romans* 13:3-4.

209. 2 NIDNTT, *supra* note 123, at 98. In this passage, it does not appear that Paul limited his understanding of good to obeying God’s commandments or equated good with fulfilling the “dominion mandate,” as Dean Titus suggests. Titus Lecture, *supra* note 3, at 315-16.

210. *Romans* 13:4.

211. 1 NIDNTT, *supra* note 123, at 561-64.

212. BAUER, ARNDT & GINGRICH, LEXICON, *supra* note 129, at 397-98.

good and evil men,” and civil government was ordained in part to govern bad men.²¹³

Throughout this passage, Paul seems to have assumed that civil rulers know (at least in significant part) God’s moral law, the moral order of things, and that this moral law informs them as they perform their functions and make their judgments. In other words, civil authorities, even Nero, the Roman Emperor when Paul wrote his letter to the Romans who later persecuted Christians, know the difference between right and wrong, between good and evil, even apart from the Mosaic law and the Bible.²¹⁴ This is not surprising considering Paul’s teaching in *Romans* chapter two, verses fourteen through fifteen regarding the law of God written on the heart.²¹⁵ Similarly, in Paul’s view, citizens must submit to civil government not only because of the fear of punishment but also because of conscience (*την συνειδησιν*), the same conscience that bears witness to the moral law that God has written on every human heart.²¹⁶ In other words, people do what is good and avoid doing what is evil for reasons in addition to fear of punishment. They may choose to do what is good and not what is evil because of what seems right to them, or they may appreciate the greater good that results in terms of public order, justice, and peace when people are law-abiding.²¹⁷

In *Romans* chapter thirteen, verse four, Paul described civil government as both “God’s servant (*διακονος*) to do you good” and “God’s servant (*διακονος*), an agent of wrath to bring punishment on the wrongdoer.”²¹⁸ This textual parallelism highlights two overarching roles of civil government—one positive, and one negative. The positive role involves promoting good and commending those who do good. The negative role involves restraining evil, producing a sense of fear in those who would do wrong, and punishing those

213. 2 NIDNTT, *supra* note 123, at 101.

214. One commentator has observed:

The state is presented as “God’s servant” to extend commendation to the one who does good and, conversely, to punish the wrongdoer. This certainly implies considerable knowledge on the part of the governing authority as to the nature of right and wrong, a knowledge not dependent on awareness of the teaching of Scripture but granted to men in general as rational creatures (cf. [*Romans*] 2:14, 15).

10 THE EXPOSITOR’S BIBLE COMMENTARY (ROMANS-GALATIANS), *supra* note 204, at 138.

215. See *supra* notes 201-206 and accompanying text.

216. *Romans* 13:5. See also *Romans* 2:15 (stating that Gentiles “show that the requirements of the law are written on their hearts, their consciences (*της συνειδησεως*) also bearing witness, and their thoughts now accusing, now even defending them.”) (NIV).

217. Cf. 10 THE EXPOSITOR’S BIBLE COMMENTARY (ROMANS-GALATIANS), *supra* note 204, at 139.

218. *Romans* 13:4 (NIV).

who have done wrong.²¹⁹ Thus, “[w]ithin God’s sustaining order of things, the civil authorities receive their dignity and task to maintain law and order and punish evildoers.”²²⁰

Mindful that God has ordained civil government and granted it authority and that civil governments contribute many benefits by promoting good and restraining evil, Paul instructed that every person has a duty to “pay taxes, for the authorities are God’s servants, who give their full time to governing.”²²¹ In this context, Paul reiterated a fundamental principle of justice that governs every human relationship: “Give everyone what you owe him.”²²² Applied to citizens and their civil governments, this principle means that if a person owes “taxes, [he must] pay taxes; if revenue, then revenue; if respect, then respect; if honor, then honor.”²²³ Undoubtedly, Paul also had in mind the many benefits he, other Roman citizens, and the Roman Christians enjoyed because of the

219. Reformer John Calvin recognized that the moral law, in its civil use of restraining evil, bridles those individuals “who are untouched by any care for what is just and right unless compelled by hearing the dire threats in the law.” CALVIN, *INSTITUTES*, *supra* note 131, at 2.7.10. Thus, it bridles such individuals, keeping “their hands from outward activity” and holding “inside the depravity that otherwise they would wantonly have indulged.” *Id.* With this use of the law, the moral law also functions as a tutor and serves a taming role. *Id.* Lutheran theologian Dietrich Bonhoeffer similarly wrote:

The mission of government consists in serving the dominion of Christ on earth by the exercise of the worldly power of the sword and of justice. Government serves Christ by establishing and maintaining an outward justice by means of the sword which is given to it, and to it alone, in deputyship for God. And it has not only the negative task of punishing the wicked, but also the positive task of praising the good or “them that do well” (I Pet. 2.14). It is therefore endowed, on the one hand, with a judicial authority, and on the other hand, with a right to educate for goodness, *i.e.*, for outward justice or righteousness. The way in which it exercises this right of education is, of course, a question which can be considered only in the context of the relation of government to the other divine mandates [labor, marriage, and church]. The much-discussed question of what constitutes this goodness or outward justice which government is charged with promoting is easily resolved if one keeps in view the derivation of government from Jesus Christ.

BONHOEFFER, *supra* note 115, at 335-36.

220. 2 NIDNTT, *supra* note 123, at 101.

221. *Romans* 13:6 (NIV).

222. *Romans* 13:7 (NIV). Paul’s teaching is very similar to Jesus’ answer to the Herodians and certain disciples of the Pharisees that they should “[g]ive to Caesar what is Caesar’s, and to God what is God’s.” *Matthew* 22:21. See generally *Matthew* 22:15-22; *Mark* 12:13-17; *Luke* 20:20-26. Justice requires giving God, Caesar, and any other person what they are due. To the extent these passages have jurisdictional implications, they present jurisdiction as an aspect of the more fundamental matter of justice.

223. *Romans* 13:7 (NIV).

Roman government's use of revenues it generated.²²⁴ Likewise, the Jewish people had received many benefits because of the efforts of kings who ruled the united and divided kingdoms of Israel and Judah, benefits that included construction projects, public works, and other programs that promoted the general welfare.²²⁵

In his commentary treating this passage, Reformer John Calvin reached a similar conclusion regarding the public good and welfare:

[Paul] has here noticed two things, which even philosophers have considered as making a part of a well-ordered administration of a commonwealth, that is, rewards for the good, and punishment for the wicked. . . .

. . . Magistrates may hence learn what their vocation is, for they are not to rule for their own interest, but for the public good; nor are they endued with unbridled power, but what is restricted to the wellbeing of their subjects; in short, they are responsible to God and to men in the exercise of their power. For as they are deputed by God and do his business, they must give an account to him; and then the ministration which God has committed to them has a regard to the subjects, they are therefore debtors also to them. And private men are reminded, that it is through the divine goodness that they are defended by the sword of princes against injuries done by the wicked.

224. The Roman emperors and government of Paul's day contributed judicial and legislative developments, offered social welfare programs, and led significant public works and infrastructure construction projects to promote the public good, and such efforts required significant funding. See EDUARD LOHSE, *THE NEW TESTAMENT ENVIRONMENT* 201-03, 209-10, 211-12 (John E. Steely, trans., 1976).

225. For instance, King Solomon, in addition to building the temple, undertook extensive building projects throughout the land, including at Gezer, Hazor, Megiddo, Upper Beth Horon, Lower Beth Horon, Baalath, and Tadmor in the desert, and in Lebanon. He built store cities and a port at Ezion Geber near Eloth on the Gulf of Aqabah for commercial activities. *1 Kings* 9:15-19, 26. Hezekiah constructed a tunnel to connect the Gihon spring with the pool of Siloam to supply Jerusalem with water. *2 Kings* 20:20.

Additionally, King David in being called to be a ruler of the people of Israel was called to be a shepherd of the people. *1 Chronicles* 11:2; *Psalms* 78:70-72. The Messiah too as a ruler would shepherd the people of Israel. *Matthew* 2:6. Of course, rulers who shepherd the people entrusted to their care will fill a broad range of roles, including providing and caring for the people, leading the people and ensuring their health and well-being, as well as protecting the people from harm. Cf. *Psalms* 23. Similarly, John Calvin described civil magistrates as fathers of their countries, shepherds of their people, guardians of peace, protectors of righteousness, and avengers of innocence. CALVIN, *INSTITUTES*, *supra* note 131, at 4.20.24.

. . . It is another part of the office of magistrates, that they ought forcibly to repress the waywardness of evil men, who do not willingly suffer themselves to be governed by laws, and to inflict such punishment on their offences as God's judgment requires; for he expressly declares, that they are armed with the sword, not for an empty show, but that they may smite evil-doers.²²⁶

In his *Institutes of the Christian Religion*, Calvin explained that civil government exists "to adjust our life to the society of men, to form our social behavior to civil righteousness, to reconcile us with one another, and to promote general peace and tranquility."²²⁷ Although Calvin did not handle well the issue of civil government authority as to matters of religion and duties to God, the following quotation shows his understanding of the government's role in providing for the public good:

[Civil government's] function among men is no less than that of bread, water, sun, and air; indeed, its place of honor is far more excellent. For it does not merely see to it, as all these serve to do, that men breathe, eat, drink, and are kept warm, even though it surely embraces all these activities when it provides for their living together. It does not, I repeat, look to this only, but also prevents idolatry, sacrilege against God's name, blasphemies against his truth, and other public offenses against religion from arising and spreading among the people; it prevents the public peace from being disturbed; it provides that each man may keep his property safe and sound; that men may carry on blameless intercourse among themselves; that honesty and modesty may be preserved among men. In short, it provides that a public manifestation of religion may exist among Christians, and that humanity be maintained among men.²²⁸

Drawing insight from *Romans* thirteen and Calvin's writings, the Westminster Assembly declared that God has ordained civil government "to be under him over the people, for his own glory and the public good," and that to

226. JOHN CALVIN, COMMENTARIES ON THE EPISTLE OF PAUL THE APOSTLE TO THE ROMANS 481 (photo. Reprint 2003) (John Owen trans. ed., 1849).

227. CALVIN, INSTITUTES, *supra* note 131, at 4.20.2. Calvin also instructed that civil government has a role in promoting and protecting religious worship, sound doctrine, and the position of the church. *Id.*

228. *Id.* at 4.20.3. Of course, Calvin's teachings regarding the duties of civil governments with regard to worship, doctrine, and the church raise constitutional concerns in American law under the First Amendment to the United States Constitution and under the state constitutions.

promote this end he has “armed them with the power of the sword, for the defense and encouragement of them that are good, and for the punishment of evil-doers.”²²⁹ Likewise, Christians may lawfully serve as civil magistrates, and in their service they “ought especially to maintain piety, justice, and peace, according to the wholesome laws of each commonwealth.”²³⁰

It is important to observe that Paul in *Romans* thirteen did not instruct that civil governments ought to make their law based upon the Bible, which at that time would have been limited to the Hebrew Scriptures. Likewise, he did not present the Bible as God’s law book for civil government. Rather, Paul seemingly assumed that civil rulers know the basic contours of the moral law because it is written on human hearts and that this natural law guides their understanding of what is good and evil, directs their functions, and informs their judgments regarding how to promote the good (especially the public good) and how to restrain evil. Thus, for Paul, the natural moral law seemed to provide God’s rules for civil governments, especially governments ruled by Gentiles.

3. Civil Government, Love, and the Natural Law in *Romans* Chapter Thirteen, verses Eight through Ten

Paul provided his instruction on civil government in *Romans* thirteen in the larger context of his teaching on love,²³¹ a central theme in Pauline thought and ethics.²³² Just a few verses before his teaching on civil government, Paul

229. *The Westminster Confession of Faith*, in 2 CREEDS AND CONFESSIONS, *supra* note 139, at 635-37 (chapter XXIII).

230. *Id.* at 636 (chapter XXIII). Nevertheless, the Westminster Confession of Faith teaches that civil magistrates should not assume the administration of the Word and Sacrament or interfere, in any way, in matters of faith. *Id.* (chapter XXIII).

231. About this bracketing and the significance of the surrounding context, one New Testament scholar has observed:

Romans 13:1-7 is set between passages that have love as their theme (12:21 and 13:8-10). The contrast with the content of 13:1-7 is certainly not deliberate. Since Paul subordinates everything to love, however, and seeks to maintain love even in the secular institutions of this world, the relationship of Christians to the official representatives of the state is also based on love.

WOLFGANG SCHRAGE, *THE ETHICS OF THE NEW TESTAMENT* 236 (David E. Green, trans., 1988).

232. In discussing the Christological ethics of Paul and love as the second greatest commandment, Wolfgang Schrage has observed:

This self-sacrificing love for others is not only the heart and core but also the fundamental criterion of Pauline ethics. There can be no doubt that the law of love takes precedence over all other commandments, even though not all the individual injunctions can be derived from it. Here, too, Paul

instructed his Roman audience: "Love must be sincere. Hate what is evil; cling to what is good. Be devoted to one another in brotherly love. . . . Bless those who persecute you; bless and do not curse. . . . Do not be overcome by evil, but overcome evil with good."²³³ Paul concluded his discussion of civil government with the following lesson regarding the moral law and the law of love:

Let no debt remain outstanding, except the continuing debt to love (*αγαπᾶν*) one another, for he who loves (*αγαπῶν*) his fellowman has fulfilled the law (*νομον*). The commandments, "Do not commit adultery," "Do not murder," "Do not steal," "Do not covet," and whatever other commandment there may be, are summed up in this one rule: "Love (*αγαπήσεις*) your neighbor as yourself." Love (*αγάπη*) does no harm (*κακον*) to its neighbor. Therefore love (*αγάπη*) is the fulfillment of the law (*νομον*).²³⁴

In this passage, Paul distilled the core content of the moral law as it applies to human relationships. All of the commandments governing relationships among humans, including the laws against adultery, murder, theft, coveting, and all other laws governing civil conduct, are summed up in the commandment to love one's neighbor.²³⁵ Paul's teaching, of course, reflects

continues the tradition of Jesus. In Gal. 5:22, agape appears as one fruit of the Spirit among many (although standing at the head of the list). Much more typical, however, is 1 Cor. 12:31, where Paul calls the way of love the way of all ways, the way that transcends all other ways, the supreme way. He can therefore say that all things are to be done in love (1 Cor. 16:14). According to Rom. 13:8-10, the law of love is the quintessence of all the commandments, the bond that unites them: in it they have their hidden unity and meaning, but also their true criterion. In other words, Paul does not interpret love on the basis of the law, but interprets the law on the basis of love.

SCHRAGE, *supra* note 231, at 212-13.

233. *Romans* 12:9-10, 14, 21 (NIV).

234. *Romans* 13:8-10.

235. Paul taught the centrality of love in a number of passages. See, e.g., 1 *Corinthians* 13; *Galatians* 5:14. Indeed, nearly all of the New Testament writers emphasized the central place of the love commandments in the moral order of things. For a summary of this teaching in the Gospels according to Matthew, Mark, and Luke, see *infra* note 232. James, the brother of Jesus and a prominent leader in the Jerusalem church, expressed a similar understanding in his letter. See *James* 2:5-12. He wrote:

If you really keep the royal law found in Scripture, "Love your neighbor as yourself," you are doing right. But if you show favoritism, you sin and are convicted by the law as lawbreakers. For whoever keeps the whole law and yet stumbles at just one point is guilty of breaking all of it. For he who said, "Do not

the teachings of Jesus who explained that the Mosaic law and the prophets are summed up in loving God and neighbor.²³⁶ Professor Harold J. Berman reflected a similar understanding when he wrote that “law, understood in a Christian perspective, is a process of creating conditions in which sacrificial love, the kind of love personified by Jesus Christ, can take root in society and grow.”²³⁷ He continued: “[T]he whole legal system exists, from a Christian point of view, in order to maintain conditions favorable for the operation of love.”²³⁸

In contrast, Dean Titus divides human relationships into two nebulous and artificial categories: those governed by force, and those governed by love. He uses these categories to distinguish between “civil conduct,” as to which the civil government has jurisdiction, and “moral” or “faith” conduct, as to which the civil government does not have jurisdiction.²³⁹ According to Dean Titus,

commit adultery,” also said, “Do not murder.” If you do not commit adultery but do commit murder, you have become a lawbreaker.

James 2:8-11. The Apostle John presented love as the essence of the moral law: “This is the message you heard from the beginning: We should love one another. Do not be like Cain, who belonged to the evil one and murdered his brother. And why did he murder him? Because his own actions were evil and his brother’s were righteous.” 1 *John* 3:11-12 (NIV). Indeed, John grounded the moral law in the very character of God: “God is love. Whoever lives in love lives in God, and God in him.” 1 *John* 4:16 (NIV). The larger context of John’s first letter only deepens the force of his argument. See 1 *John* 3:11-24, 4:7-5:4 (NIV).

236. The *Gospel according to Matthew* contains a lengthy interchange between Jesus and the Pharisees, the Sadducees, and the Herodians. In this interchange, Jesus provided clear instruction regarding the essence of the moral law:

Hearing that Jesus had silenced the Sadducees, the Pharisees got together. One of them, an expert in the law, tested him with this question: “Teacher, which is the greatest commandment in the Law?”

Jesus replied: “Love the Lord your God with all your heart and with all your soul and with all your mind.” This is the first and greatest commandment. And the second is like it: “Love your neighbor as yourself.” All the Law and the Prophets hang on these two commandments.

Matthew 22:34-40 (NIV). A similar account is found in the *Gospel according to Mark*. See *Mark* 12:28-34. The clear teaching of Jesus is that the whole of the law and the prophets, that is, the whole of the Old Testament, is summed up in love of God and neighbor. Likewise, in the *Gospel according to Luke*, Jesus told the parable of the Good Samaritan to amplify his teaching on love and to show who one’s neighbor is. See *Luke* 10:25-37.

237. HAROLD J. BERMAN, *Law and Love*, in FAITH AND ORDER: THE RECONCILIATION OF LAW AND RELIGION 313 (1993).

238. *Id.* at 316.

239. Dean Titus cites no biblical passage that clearly delineates these two categories of relationships—those governed by force, and those governed by love—and draws jurisdictional distinctions on the basis of these categories. In *Romans* 13:1-10, although Paul discussed civil government, human relationships, force, love, and the requirements of the moral law, he did not

relationships between civil governments and their citizens are relationships governed by force,²⁴⁰ but other human relationships (such as the relationship between two adolescents planning to attend a prom and between the good Samaritan and the injured stranger) are governed by love.²⁴¹ In Dean Titus's view, the very nature of the power of civil government is such that it "undermines the law of love" because "the nature of love is that one acts to help another, wholly voluntarily and unconditionally."²⁴²

Dean Titus's categorization lacks strong biblical support and seems to swim upstream against a deluge of biblical passages teaching that love of God and love of neighbor are fundamental to any proper understanding of human conduct and relationships. Jesus himself taught that the whole Old Testament, including the moral law, the ceremonial law, and the civil law that governed Israel as a political body, is summed up in the two love commandments.²⁴³ Additionally, Dean Titus asserts that the nature of love is such that if love (or a loving act) is commanded, then the loving response cannot be love. Dean

clearly mark out these two relational categories or draw clear jurisdictional lines relative to them. Additionally, it would appear that Dean Titus draws his distinctions among civil conduct, moral conduct, and faith conduct from his reading of Blackstone's *Commentaries*, not from any biblical passage clearly presenting these terms or distinctions. For a treatment of Blackstone's discussion of civil, moral, and faith conduct in the context of the municipal law, see *supra* note 206.

240. Dean Titus does not explain whether he understands the relationship between governments and their citizens to be governed by force in a two-directional or a one-directional sense. Thus, it is not clear from his presentation whether he thinks force governs only the relationship of governments to their citizens or both that relationship and the relationship of citizens to their governments. Dean Titus's categories and presentation seem to suggest that rulers need not love their subjects and subjects need not love their rulers and thus that the debt of love discussed by Paul in *Romans* 13:8 is inapplicable.

241. Titus Lecture, *supra* note 3, at 312-13. As Dean Titus presents it, civil government has no jurisdiction over a young woman's lawsuit to recover damages caused by a young man's breach of his promise to take her to the prom. According to Dean Titus, this does not constitute "civil conduct." *Id.* at 313. But, according to Dean Titus, "rape, adultery, fornication, sodomy, bestiality, and other sexual conduct outside the marriage covenant" do constitute "civil conduct," and civil government has jurisdiction over such conduct. *Id.* at 319. So, according to Dean Titus's definitions and illustrations, civil government *would not have* jurisdiction to award the young woman a remedy for the young man's breach of promise, even if she lost money by purchasing a dress and shoes or paid for a beautician to style her hair, but civil government *would have* jurisdiction over sexual conduct this same coupled might engage in after the prom. Dean Titus's definition of "civil conduct," his two categories, and their implications for civil government jurisdiction are problematic, and students should consider whether this perspective is grounded in biblical teaching or merely Dean Titus's opinion. *Cf. id.* at 306.

242. *Id.* at 313, 314.

243. See *supra* note 236 and accompanying text.

Titus's argument proves too much, for the Bible itself commands people to love both God and neighbor. If Dean Titus is right, then the only people who can truly love God and neighbor are those who do not know that God has commanded people to love him and their neighbors.²⁴⁴

In this context, Dean Titus discusses the parable of the good Samaritan, which he suggests Jesus told to show what love is.²⁴⁵ According to Luke, however, Jesus told the parable to explain who one's neighbor is.²⁴⁶ Luke wrote that the expert in the law understood God's law to require him to love God and his neighbor as himself, but he seemingly wanted to divide human relationships into categories—neighbors whom he must love, and non-neighbors whom he need not love.²⁴⁷ In telling the story, Jesus used as a teaching device two Jewish figures who possessed considerable religious and legal clout—a priest and a Levite—and a single Samaritan, who was an object of Jewish contempt for being religiously and ethnically impure. The priest's and the Levite's failure to help the injured stranger and the Samaritan's willingness to help poignantly illustrated who it was who correctly understood the requirement of the moral law to love one's neighbor. The priest and the Levite could undoubtedly generate a list of excuses based upon their legalistic reading of the law—perhaps they could even claim some sort of jurisdictional exemption—but the Samaritan made no excuses and crossed cultural, religious,

244. Dean Titus's argument has similar problems as applied to loving acts among spouses and among Christians in the Church. After commenting that acts between spouses cease to be loving if civil government requires the loving acts, Dean Titus argues that "the very nature of civil power undermines the law of love. It undermines it. It destroys it. It means that no longer is it governed by love, it is governed by fear of what the civil ruler might do if caught." Titus Lecture, *supra* note 3, at 314. However, if a command to love or to perform loving acts causes loving acts to cease being loving, then God's commandments to husbands to love their wives and to Christians to love one another causes the loving acts of husbands to their wives and of Christians to one another thereby to cease being loving. See, e.g., *John* 13:34-35; *Romans* 12:10; *Ephesians* 5:25; *Colossians* 3:19; *1 John* 4:7. Dean Titus's understanding of love, his categories, and his theory law, government, and love run into a number of problems. Perhaps, at least in part, this is because he fails to appreciate that law and civil government have educational and moral functions that extend beyond threatening force and causing fear of punishment for wrongdoing.

245. Titus Lecture, *supra* note 3, at 313.

246. In testing Jesus regarding what was required to inherit eternal life, the expert in the law had correctly answered that the law required him to love God "with all [his] heart and with all [his] soul and with all [his] strength, and with all [his] mind" and to love his "neighbor as [him]self." *Luke* 10:25-28 (NIV). But then, in an attempt to justify himself, he asked Jesus, "And who is my neighbor?" *Luke* 10:29 (NIV). Jesus then told the parable in reply to this question.

247. *Luke* 10:27.

and legal boundaries to show mercy to the injured man by stopping, providing care, and even paying for his continued care.²⁴⁸ The good Samaritan showed the correct understanding of who one's neighbor is—it is anyone in need.²⁴⁹

At the conclusion of the parable, Jesus reiterated its purpose by asking the legal expert which person among the priest, the Levite, and the Samaritan “was a neighbor to the man who fell into the hands of robbers?”²⁵⁰ The lawyer had learned the lesson—the Samaritan, the one who had mercy on the injured man, was the neighbor.²⁵¹ Thus, the despised Samaritan understood the moral law of God better than the biblical and legal experts because the Samaritan demonstrated that he truly loved his neighbor through sacrificial action.

Dean Titus, in his discussion of “the lawful use of law” principle and the jurisdictional limits of civil government and in his distinction between relationships governed by force and those governed by love, advocates an understanding of civil government jurisdiction that makes the conduct of the priest and the Levite normative for civil government. He essentially restricts the lesson of the good Samaritan to what he labels “relationships governed by love” and urges that this parable of Jesus does not apply to civil government.²⁵² For Dean Titus, civil government has no business fostering love and apparently no business promoting the basic moral law of God, which fundamentally requires people to love their neighbors as themselves.²⁵³ Thus, in an ironic

248. *Luke* 10:33-35.

249. Jesus instructed the legal expert to “[g]o and do likewise.” *Luke* 10:37 (NIV). One commentator has observed: “This sequel to and moral of the parable was to show that the divine command of loving our neighbor as ourself[ves] is fulfilled by the assiduous endeavor to help the needy, without asking first who he is, and in what relation he stands to us.” HERBERT LOCKYER, *ALL THE PARABLES OF THE BIBLE* 263 (1963). One might add that it is fulfilled by the assiduous endeavor to help the needy without asking who has the duty to help or whether the person who should help has the jurisdiction or authority to help.

250. *Luke* 10:36 (NIV).

251. *Luke* 10:37 (NIV).

252. Titus Lecture, *supra* note 3, at 309-10, 312-15, 324-25. Dean Titus comments: “[T]he Samaritan did not ask any questions concerning eligibility. You see, the good Samaritan was not a social worker working for the State government to help those [whom] the government has defined by law as eligible for help.” *Id.* at 313.

253. During the Question and Answer Session, Dean Titus adds:

[T]he best way for civil government to foster the l[aw] of l[ove] is to stay out of the business of love. It is interesting to me that there is a whole school of Christian thought that basically says “that it is the duty of Christians to reach out to the poor, and then they say it is the duty of the government to reach out to the poor.” Now to me, that is interfering with the law of love because it undermines the law of love whenever the state comes into the equation. . . . [I]f the civil government is going to foster the law of love, the first order of business is to stay out of it, leave us alone, let God deal with us.

turn, Dean Titus argues that the Bible “should reveal to us the law that governs every civil society,”²⁵⁴ but the love commandments, the core moral teaching of the Bible, which Jesus and the apostles identified as the very heart of God’s revealed law, have no place in Dean Titus’s theory of law and civil government. In the end, this aspect of Dean Titus’s theory of law and government seems irreconcilable with the Bible’s teaching on the law of God and love and with biblical theology and Christian thought.

IV. CONCLUSION

In the final analysis, students should study Dean Titus’s Lecture and consider his theories and arguments, but students should be careful. Although Dean Titus defends an important thesis that the Bible is relevant to law and civil government, some of the details in his theory are premised upon problematic interpretations of biblical passages, and aspects of his theory are difficult to reconcile with biblical theology and Christian thought. The central point raised by this Response has been the importance of properly interpreting and using the Bible,²⁵⁵ and this Response now concludes by reviewing what

Id. at 325. Dean Titus apparently understands the jurisdiction of civil governments and the jurisdiction of faith communities as mutually exclusive such that no overlap is recognized.

In this context, he cites Article I, Section 16 of the Virginia Constitution, which in relevant part states: “it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.” VA. CONST. art. I, § 16. Dean Titus then emphasizes that the text reads “mutual duty, not civil duty” and that a mutual duty “is one that is voluntarily assumed.” Titus Lecture, *supra* note 3, at 325. A more standard dictionary definition would understand “mutual” to mean “done, felt, etc. by each of two or more for or toward the other or others,” “of, or having the same relationship toward, each other or one another,” and “shared in common.” WEBSTER’S NEW UNIVERSAL UNABRIDGED DICTIONARY 1187 (Deluxe 2d ed. 1983). Article I, Section 16 of the Virginia Constitution thus reflects a basic component of the moral law, the shared or common duty of all humans to practice forbearance, love, and charity towards each other. This constitutional provision regarding the mutual duty of the people was included in the Virginia Declaration of Rights, which was “made by the good people of Virginia in the exercise of their sovereign powers, which rights do pertain to them and their posterity, *as the basis and foundation of government.*” VA. CONST. art. I (preamble to Declaration of Rights) (emphasis added). These constitutional provisions, considered together and in context, suggest that this mutual duty of love was understood to have fundamental significance for civil society.

254. Titus Lecture, *supra* note 3, at 308.

255. Those who mishandle the Bible may pose a greater danger than those who simply rely upon general revelation and unaided reason because those who mishandle the Bible distort God’s specially revealed truth, including perhaps the life-giving message of God’s love and redemption in Jesus Christ. *Cf. James 3:1* (addressing the great responsibility of teachers). Jesus Christ and the Apostle Paul were harsh in their critique of those biblical interpreters who distorted special revelation. *See, e.g., Matthew 23:15, 27, 33; Philippians 3:2.*

God has revealed to “the nations” and to his people, highlighting some of the “first principles” of God’s law, and discussing some lessons for law students.

A. Some Insight into What God Did Give to “the Nations”

The Bible teaches that God gave “the nations” (i.e., the Gentiles and all of the people of the world) the life-changing message of his love, which he revealed in Jesus Christ. Jesus Christ is “a light for revelation to the Gentiles (*εθνων*),”²⁵⁶ and the Apostle Paul, “the apostle to the Gentiles (*εθνων*),”²⁵⁷ was appointed to bring the message of salvation as “a light for the Gentiles (*εθνων*).”²⁵⁸ Additionally, Jesus commissioned his followers to “go and make disciples of all nations (*παντα τα εθνη*).”²⁵⁹ In Jesus Christ, God fulfilled his promise to Abraham that through him all of the nations of the earth (all of the people and people groups) would be blessed.²⁶⁰

In another sense, when God wrote his moral law on the hearts of his image-bearers, he gave his law to “the nations,” that is, to the Gentile, non-Jewish peoples (*εθνη*).²⁶¹ In this natural moral law, God made his eternal, “perfect rule of righteousness” generally known to all people. This moral law binds all peoples, in all places, and at all times, and it requires people to love God and their neighbors. Based upon their knowledge of this moral law, civil rulers are able to understand good and evil, establish justice and order, promote the common good, and advance peace and tranquility. In fulfilling these functions, they structure relations, order human society, and create conditions that allow love to take root and grow. Although human understanding of this moral law is imperfect and faltering, the moral law continues to apply and bind all peoples, including those who govern through civil institutions. In other words, the moral law of God written on human hearts (the natural law), not the civil law of Israel, is the law of God for all people and for civil governments—this natural moral law is the law of God for “the nations.”²⁶²

256. *Luke* 2:32 (NIV).

257. *Romans* 11:13 (NIV); *see also Galatians* 2:8 (stating that “God, who was at work in the ministry of Peter as an apostle to the Jews, was also at work in my ministry as an apostle to the Gentiles (*εις τα εθνη*).”) (NIV).

258. *Acts* 13:47 (NIV) (quoting *Isaiah* 49:6).

259. *Matthew* 28:19 (NIV).

260. *See Genesis* 12:3.

261. *See Romans* 2:14.

262. Dean Titus attempts to critique the natural law tradition by suggesting that it has some equivalence with utilitarianism and legal positivism, and he appears to offer instead some semblance of a biblical positivism that assumes that God’s image-bearers are unable to understand much of anything regarding the moral order that exists in creation and human beings through the use of their divinely granted reasoning abilities. Herbert W. Titus, *Reply—The*

Utilitarian Switch, 2 LIBERTY U. L. REV. 335 (2008). Students should not be misled by his shallow critique. Instead, students should probe more deeply and develop a more sophisticated understanding of the natural law tradition, legal positivism, and utilitarianism. Obtaining a more refined comprehension will require students to consult sources in theology, philosophy, jurisprudence, and moral theory and to examine matters involving teleology, the good, proper goods, common goods, and ends; deontology, duty, and rightness; divine command, nominalism, and realism; utilitarianism, pleasure, and happiness; and virtue. A wealth of resources are available to introduce students to these matters. See, e.g., THE WESTMINSTER DICTIONARY OF CHRISTIAN ETHICS (James F. Childress & John Macquarrie eds., 1986); JOHN S. FEINBERG & PAUL D. FEINBERG, ETHICS FOR A BRAVE NEW WORLD 17-45 (1993); J.P. MORELAND & WILLIAM LANE CRAIG, PHILOSOPHICAL FOUNDATIONS FOR A CHRISTIAN WORLDVIEW 393-460 (2003); TOM MORRIS, PHILOSOPHY FOR DUMMIES 81-122 (1999). It should also be noted that classical natural law thought is teleological (although not merely teleological), but that it is not consequentialist like utilitarianism is. Indeed, natural law thinkers have been harsh critics of utilitarian theories. See, e.g., J. BUDZISZEWSKI, WRITTEN ON THE HEART: THE CASE FOR NATURAL LAW 137-67 (1997); Robert P. George, *Natural Law*, 31 HARV. J. L. & PUBLIC POLICY 171, 174 & n.5, 184-85 (2008). From a biblical perspective, students should also note that Paul's discussion of civil government and law in *Romans* 13:1-10 addresses the good that government does and incorporates many of the primary and secondary precepts identified in classical natural law thought. See *Romans* 13:1-10 and *supra* notes 207-238 and accompanying text. The primary precepts have been understood to include such principles as one ought to do good, do no harm, give to each person his or her due, love one's neighbor as one's self, and do unto others as one would have done unto him or her, and the secondary precepts have been understood to include such principles as one ought not to kill, steal, commit adultery, and bear false witness. The parallels between the primary and secondary precepts of classical natural law thought and *Romans* 13:1-10 are quite striking.

Dean Titus also seems troubled that law would be understood as an instrument that is used to achieve certain ends (namely, common or public goods). This is most ironic, for the "lawful use of law" principle is a central feature of Dean Titus's Lecture and theory. Indeed, the Apostle Paul wrote that "the law is good if one uses it properly." 1 *Timothy* 1:8 (NIV).

Additionally, a teleological perspective on what is good is nothing new. The theologians of Westminster observed that the "chief and highest end" of humankind "is to glorify God, and to fully enjoy him forever." *The Westminster Larger Catechism*, in BOOK OF CONFESSIONS, *supra* note 49, at 195. Blackstone also reflected a teleological understanding in his discussion of the natural law. In his *Commentaries*, he observed that the eternal laws of justice are inextricably connected to the pursuit or end of human happiness, and thus God has "so inseparably interwoven the laws of eternal justice with the happiness of each individual[] that the latter cannot be attained but by observing the former." BLACKSTONE, *supra* note 206, at *40. Likewise, under the municipal law, a person is regarded as a citizen, and the benefits that result from "the common union" impose duties on citizens, including the duty to contribute to the "subsistence and peace of the society," which are common goods. *Id.* at *45. Additionally, he expressed an understanding that the natural law is "founded in those relations of justice" "that exist[] in the nature of things antecedent to any positive precept," and it includes certain principles such as "we should live honestly, should hurt nobody, and should render to every one it's [sic] due." *Id.* at *40.

Furthermore, understanding the role of government and law in terms of promoting common or public goods (such as order, general welfare, peace, safety, security, and morals), as opposed to proper or private goods, is fundamental to constitutionalism in America. According to the

To his people, God gave the Bible as special revelation. Although the Bible is primarily aimed at revealing God's redemptive plan, his salvation in Jesus Christ, and all that is necessary for human salvation, God also revealed in the Bible the same moral law that is written on human hearts. Indeed, this moral law, revealed throughout the Bible, can be found in the Ten Commandments, the words of the prophets, the teachings of Jesus Christ, and the writings of the apostles. Although the Bible provides the people of God with a clearer, more detailed understanding of the moral law, the Bible must be properly handled and carefully interpreted, and the ceremonial law and the civil law must be correctly understood. In Christian theology, a strong interpretative tradition, established upon solid biblical foundations, teaches that the ceremonial law was abrogated through the saving work of Christ and that the civil law expired with the political state of the Jewish people. Nevertheless, careful interpreters of the ceremonial and civil laws of Israel are able to decipher from those laws the moral law of God that stands behind the ceremonial and civil laws. Thus, when reading and interpreting the civil laws of Israel, students should carefully read

Preamble to the Constitution of the United States, the people ordained and established the Constitution to achieve certain ends associated with public or common goods. The people sought "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty." U.S. CONST. pmbl. The same is true with state constitutions. *See, e.g.,* VA. CONST. art. I, § 3 (stating in part that "government is, or ought to be instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal."); IND. CONST. pmbl. (stating that "TO THE END, that justice be established, public order maintained, and liberty perpetuated; WE, the People of the State of Indiana, grateful to ALMIGHTY GOD for the free exercise of the right to choose our own form of government, do ordain this Constitution."); IND. CONST. art. I, § 1 (stating in part that "all free governments are, and of right ought to be, founded on [the people's] authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have, at all times, an indefeasible right to alter and reform their government"). The common goods (the ends) achieved by just means then play an important role in defining the limits of the police powers of government. *See* *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006) (stating that "the structure and limitations of federalism . . . allow the States "great latitude under their police powers to legislate as to the protection of the lives, limbs, health, comfort, and quiet of all persons."'"") (quoting *Medtronic, Inc. v. Lohr*, 518 U.S. 470, 475 (1996) (quoting *Metropolitan Life Ins. Co. v. Massachusetts*, 471 U.S. 724, 756 (1985)); *Clem v. Christole, Inc.*, 582 N.E.2d 780, 782-83 (Ind. 1991) (quoting *Bruck v. State ex rel. Money*, 91 N.E.2d 349, 352 (Ind. 1950)) (stating that the police power of the state is "the power inherent in a government to enact laws, within constitutional limits, to promote the order, safety, health, morals, and general welfare of society.'").

them to gain insight into applications of the moral law in Israel's ancient Near Eastern setting, but the particular civil law applications themselves are not binding because they were intended for the unique circumstances that existed at that time and in that place.

Several points of broad Christian consensus thus emerge regarding the law of God. First, God's law must be understood Christo-centrally in the light of God's revelation and redemption in Jesus Christ. Second, part of God's law (the moral law) reveals his eternal and perfect standard, and this moral law, which God wrote on human hearts prior to the fall and later gave in the Ten Commandments, has a continuing, universal application. But, the ceremonial and civil laws of the Jewish people were given for limited purposes and applications and should be interpreted accordingly. Third, in the moral law written on human hearts, God has revealed to all people and people groups a basic understanding of good and evil, of right and wrong. This natural moral law continues to bind all people, and it applies to civil governments and should be the foundation of the laws governing their societies. Fourth, the people of God have the great advantage of God's special revelation in the Bible, and it brings clarity and provides detail regarding the moral law. However, the Bible must be interpreted carefully and used properly.

B. Some "First Principles" of God's Law

Rather than making jurisdiction the first of the first principles of civil government, a better approach is to start with those weightier matters of the law identified by Jesus. Jesus emphasized several "first principles" of law, including love (*αγαπη*), justice (*κρισις*), mercy (*ελεος*), and good faith (*πιστις*)—these should be the starting point.²⁶³ Understanding law in the light of these more important matters will provide insight into the interdependence of

263. In the *Gospel according to Matthew*, Jesus pronounced the following judgment on the legal experts:

Woe to you, teachers of the law and Pharisees, you hypocrites! You give a tenth of your spices—mint, dill and cumin. But you have neglected the more important matters of the law—justice, mercy and faithfulness. You should have practiced the latter, without neglecting the former. You blind guides! You strain out a gnat but swallow a camel.

Matthew 23:23-24 (NIV). In the *Gospel according to Luke*, Jesus warned:

Woe to you Pharisees, because you give God a tenth of your mint, rue and all other kinds of garden herbs, but you neglect justice and the love of God. You should have practiced the latter without leaving the former undone.

Luke 11:42 (NIV).

law and love, about which Professor Harold J. Berman thoughtfully commented:

Law, by which I mean society's effort to establish just relations among people, to resolve conflicting interests, to regulate social life, and love, by which I mean the sacrificial sharing of one's whole life with God and with one's fellow men, stand in a complementary relationship to each other. Love needs law to give it structure; law needs love to give it direction and motivation.²⁶⁴

In addition to love, justice, mercy, and good faith, careful studies of other biblical themes such as law, righteousness, equity, grace, and peace would also be profitable.²⁶⁵

C. *Some Lessons for Law Students*

From Dean Titus's Lecture and this Response, a few lessons may be drawn for law students as they seek to understand both what the law is and what it should be. Although these lessons may have some relevance to all law students, they are especially relevant to students pursuing a legal education that is true to the Christian faith and undertaken in the context of the Christian intellectual tradition. For such students, the Bible, the Christian faith, and the Christian intellectual tradition provide rich resources for study, but they also impose the additional responsibilities to be diligent and careful, to be teachable and discerning, and to be compassionate and loving.

264. BERMAN, *Law and Love*, *supra* note 237, at 314.

265. So many resources are available to assist with such studies that the Author will not attempt to provide a resource list here. Nevertheless, such studies would lead to an exploration of a range of Hebrew terms and their derivative forms, such as: *tsedeq* (righteousness, righteous, just, or justice); *yashar* (right, straight, direct, upright, righteous, or integrity); *mishpat* (right, just, judgment, justice, lawful, custom, cause, or according to law); *mevshar* (equity, evenness, uprightness, equal, or level); *kishron* (uprightness, equity, or the spirit behind the letter of the law); *hesed* (mercy, kindness, loving kindness, or love); *ahabh* (love or an earnest desire for and beneficent interest in the well-being of a loved one); and *shalom* (peace, completeness, soundness, or welfare). It would also lead to an exploration of a range of Greek terms and their derivative forms, such as: *δικαιοσύνη* (righteous, righteousness, just, or justice); *δικαιος* (even or equal); *κρίσις* (judgment, justice, or separating, sundering, or making a selection); *ἀγάπη* (love or perfect love grounded in a determination of will); *φιλέω* (natural human affection with a strong feeling or sentiment); *χάρις* (grace or lovingly giving a gift); *ἐλεος* (mercy, kindness, beneficence, or showing kindness, compassion, and good will to those who are suffering or afflicted); *επιεικεία/επιεικής* (mildness, gentleness, or fairness; equitable, fair, mild, gentle, moderate, or kind); *πίστις* (faith, good faith, fidelity, or faithfulness); and *εἰρήνη* (peace, tranquility, peace among individuals, security, safety, prosperity, felicity, the Messiah's peace, the tranquil state of the soul, and the blessed state).

1. Be Diligent and Careful

During the Renaissance and the Protestant Reformation, a motto echoed from many quarters that was expressed in the Latin phrase *ad fontes*. This phrase signified a call to scholars to return to the original sources—it was a call to return to the classical Greek and Roman writers, the Bible, and the Church fathers. It was a call to study ancient texts critically, employing new philological and literary methods.²⁶⁶ This call continues to resonate today. At Liberty University School of Law, this theme has been an integral part of the educational program since its inception, calling faculty and students to return to the sources of American law, but for those who would answer the call, much diligence and great care are required.

In returning to the sources, students will become readers of literature, history, philosophy, theology, ethics, and law. As scholars, they will need to be careful students of texts, including the Bible. Although the study of any text demands judicious and thoughtful interpretation, the study of ancient texts requires even greater diligence and care because they were written in historical and cultural contexts and often in languages markedly different from those of modern students. Additionally, with ancient texts, textual variants among manuscripts introduce additional complexity, and translations create even more problems.

Such interpretive challenges are readily apparent with the study of the Bible. Excluding the Apocrypha, the Bible contains sixty-six individual books that were written during a period spanning nearly 1600 years, in several different

266. For an overview of Renaissance humanism and the *ad fontes* theme, especially in the context of Reformation thought, see GEORGE, *supra* note 194, at 46-49, 112, 324, 326; MCGRATH, *supra* note 175, at 40-65. Theologian Alister McGrath summed up well what the humanist project contributed to Christian and biblical scholarship in the Renaissance and the Reformation:

The new philological and literary methods developed by the thinkers of the Renaissance were [] seen as a way of recapturing the vitality of the classical period. For the Christian church, this opened up a new, exciting and challenging possibility—that the experience of the first Christians, described in the New Testament, could be regained and transferred to a much later point in history. It is this factor, perhaps more than any other, which helps to explain the remarkably high regard in which humanists were held in Reforming circles throughout Europe. It seemed to many that the sterile form of Christianity associated with the Middle Ages could be replaced with a new, vital and dynamic form, through the study of Scripture. *Ad fontes* was more than a slogan: it was a lifeline to those who despaired of the state of the late medieval church. The Apostolic era, the Golden Age of the church, could once more become a present reality.

Id. at 46.

languages, in a multitude of historical and cultural contexts, and with a range of literary genres and styles. Additionally, dozens of different human authors, under the Holy Spirit's superintending influence but with vastly different backgrounds, wrote these books to various audiences.²⁶⁷ Because of these interpretive challenges and because the same human reason that struggles to understand the requirements of the natural moral law also struggles to interpret the Bible, students of the Bible must give thoughtful attention to their hermeneutical approach.²⁶⁸ Utilizing sound interpretive methods can help students to handle the biblical texts properly, to arrive at reliable interpretations, and to develop a biblically grounded understanding of the Christian faith.

In addition to studying passages in the Hebrew and Greek Scriptures related to law and government, students will also find great value in carefully reading Christianity's great theologians and philosophers. Students will discover that many of the leading Christian thinkers were skillful biblical interpreters, thoughtful commentators on their cultures, and effective communicators of their faith and understanding.²⁶⁹ Students who skillfully employ sound interpretive methods and who mine the substantial intellectual deposits left by Christianity's leading thinkers will gain great insight into God's law revealed both in nature and in the Bible and will come to a fuller understanding of law, justice, and civil government.

However, students must also display a humble awareness of the danger of misusing God's authority, distorting the good news of God's love, and substituting their opinions for biblical teaching. Indeed, the Third Commandment prohibits misuse of God's name, but it also addresses presumptuous claims of divine authority for human actions and endeavors and

267. Modern students have the great advantage of many readily available resources for biblical and theological study, and these resources have benefitted greatly from advances in biblical scholarship and archeological discoveries.

268. The Apostle Peter acknowledged that the Apostle Paul's "letters contain some things that are hard to understand, which ignorant and unstable people distort, as they do the other Scriptures, to their own destruction." 2 *Peter* 3:16 (NIV). Jesus and Paul also severely criticized biblical interpreters of their day for their misunderstanding of the Scriptures. See *supra* notes 150-170 and accompanying text.

269. The writings of leading Christian thinkers throughout the history of the Christian church (including especially Augustine, Thomas Aquinas, Martin Luther, and John Calvin) are readily available to modern students, and many good anthologies have been prepared. Likewise, a range of Christian thinkers (both ancient and modern) should be consulted, and a variety of important confessional and catechetical documents of the faith should be examined, such as the *Thirty-Nine Article of Religion*, the *Second Helvetic Confession*, the *Westminster Confession of Faith* and related catechisms, and the *Catechism of the Catholic Church*.

speaks to those who would trivialize reverence for God through their use of his name and authority.²⁷⁰ Thus, in the Third Commandment is a profound warning to all who would presume to speak for God, claim his authority, or use his Word.

2. Be Teachable and Discerning²⁷¹

Students should also display a teachable spirit in their search for truth, their scholarly endeavors, and their effort to understand what the law is and what it should be. Conclusions should be humbly embraced with a willingness to reconsider them as additional data is learned. Because no person knows all the right answers, modesty should be exhibited in one's claims to know truth. It is important to listen carefully and to try to understand others well before responding, and it is also important to consult wise teachers and learned counselors.

Students must also be discerning. They should critically evaluate arguments and claims in order to understand the underlying assumptions, to weigh the support that is offered, and to assess every use of proof-texts. Students must think critically when presenters seem to speak biblically, and they must know the Bible and biblical theology so that they can be alert to problems when they encounter them. Additionally, every theory must be evaluated against the heart of the moral law, which is love of God and neighbor. Finally, students should remember that truth is pursued, knowledge is gained, and wisdom is sought, not merely to enlighten one's self, but to humbly and lovingly serve Christ, his kingdom, and the human community.

3. Be Compassionate and Loving

The Apostle Paul instructed Christians in Colosse to "clothe" themselves with compassion, in addition to kindness, humility, gentleness and patience.²⁷²

270. The Third Commandment states that "[y]ou shall not misuse the name of the LORD your God, for the LORD will not hold anyone guiltless who misuses his name." *Exodus* 20:7 (NIV); see also *Deuteronomy* 5:11. Likewise, Jesus observed that "[m]any will say to me on that day, 'Lord, Lord, did we not prophesy in your name, and in your name drive out demons and perform many miracles?'" The answer of Jesus is as chilling today as it undoubtedly was then: "Then I will tell them plainly, 'I never knew you. Away from me, you evildoers.'" *Matthew* 7:22-23 (NIV).

271. The book of *Proverbs* begins with King Solomon explaining that he gave his proverbs for attaining wisdom, discipline, and understanding; for acquiring a disciplined and prudent life; for doing what is right, just, and fair; and for giving prudence to the simple and knowledge and discretion to the young. *Proverbs* 1:1-4. He also instructed the wise to listen and add to their learning and the discerning to get guidance. *Proverbs* 1:5.

272. *Colossians* 3:12 (NIV).

In his instruction, Paul called his audience to exhibit the same sort of compassion that was shown by the good Samaritan when he responded in love to the injured stranger.²⁷³ This sort of compassion will lead students to honor the dignity of each person, to cherish all humanity, to see others in need, to feel their distress and hurt, to be moved deeply by their circumstances, and to respond in self-sacrificial action.

Paul added, however, that “over all these virtues” Christians should “put on love, which binds them all together in perfect unity.”²⁷⁴ Not only does love bring all of the virtues together, it also brings people together, and thus love of God and neighbor, the sum of the entire law of God, must govern every human relationship. For these reasons, students should make love the central virtue they pursue throughout life and the focal point of their understanding of law and government.

By way of summary, for students to understand the relevance of the Bible to law and government, it is critically important that they study the Bible carefully, interpret it correctly, and use it properly. Students should approach biblical interpretation by keeping Jesus Christ in central focus. In exploring biblical teaching on law and government, they should begin with love, justice, mercy, and good faith—the first principles of law identified by Jesus Christ—and seek to understand these principles in the larger biblical context. Students should also seek to understand what God has revealed to all people through general revelation and to his people through special revelation. In addition to the Bible, students must be diligent and careful students of history and thought, and they must be teachable and discerning. And, if they add to these a commitment to be compassionate and loving, they may come to a fuller understanding of what is good and what God requires of them—it is to act justly, to love mercy, and to walk humbly with God.²⁷⁵

273. Paul and Luke, two companions on missionary journeys, used similar Greek words for compassion. Compare *Luke* 10:33 (εσπλαγγισθη) with *Colossians* 3:12 (σπλαγγνα οικτιριμου).

274. *Colossians* 3:14 (NIV). The Apostle Paul elsewhere indicated that, among the virtues of faith, hope, and love, “the greatest of these is love.” *1 Corinthians* 13:13 (NIV). Christians have understood faith, hope, and love to be the theological virtues. When these virtues are understood together with the cardinal virtues of prudence, justice, temperance, and fortitude, students begin to appreciate the excellent and good life that should be pursued.

275. *Micah* 6:8.

