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## CHRISTIAN VIEW OF LAW

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### I. Introduction

Law today is pervasive. Law regulates how fast and on which side of the road we drive, whether we stop or slow down at an intersection, the purity of our food and drink, which pharmaceuticals we can take, and in what schools we can educate our children. Most of the time we obey these laws, often because if we do not we endanger ourselves and loved ones. At other times, we ignore these laws, particularly if there appears to be no present danger (like driving faster on a road in good weather and with little traffic). Although we are very familiar with our regulated state, we rarely take the time to consider what laws are just, and what laws are unjust. We also rarely consider why we have law, and what kind of law should a civil government adopt. Christians should be specifically mindful about the biblical view of justice, but is this view of biblical justice even relevant in post-Soviet Ukraine?

This paper briefly examines why biblical justice is relevant for Ukraine, and introduces the topic of "evangelical Christianity." It describes an evangelical Christian view to government and law, and argues that the acceptance of this worldview is important for the development of Ukraine. This paper concludes with addressing a common argument against a Christian view of law and government, which is that the proponents seek to impose Christian morality on everyone.

### II. The Relevance of Christianity for Modern Ukraine

Ukraine has a long history of Christianity, dating back at least 1000 years, and perhaps even 2000 years[1]. In 988, Prince Vladimir the Great established Christianity as the national religion in Kievan-Rus and baptized his subjects in the Dnieper River. Roughly 70 years after this establishment of Christianity in Ukraine, the church in Rome in 1054 divided from the church in Constantinople, creating the Roman Catholic Church in the West, and the Patriarchate of Constantinople in the Byzantine East. The Kievan Church inherited the traditions of the Byzantine East, although it remained in full communion with the Roman Catholic Church[2]. After the creation of the metropolia of Moscow in 1448, and its rise to a patriarchate in 1589 when the Turks dominated the Constantinople patriarchate, the Kievan Church split with the western portion becoming the Ukrainian Greek Catholic Church, and the central and eastern portions of Ukraine passing to the control of the Moscow Patriarchate[2].

The 20th century devastated Ukraine with an estimated 17 million people dying violent deaths. The 20th century similarly devastated the diversity of Christianity in Ukraine. The

Soviet Union's occupation of Ukraine resulted in a suppression of Christians, the burning of churches, and deportation of church leaders to the Siberian gulag. Divorce increased and the government legalized abortion, which of course threatened the family, the foundation of a nation. Nevertheless, the suppression ended in the 1980s, and today there are roughly 22,000 religious communities organized in about 80 different Christian denominations as well as other religions in Ukraine[2].

The teaching of atheism, which is a central principle of Communism, providentially seems to have had little lasting impact on the faith of Ukrainians. According to an extensive public opinion poll performed by the Razumkov Centre in 2010, over 71% of Ukrainians polled considered themselves to be believers, 12% were not sure whether they were believers or non-believers, 8% were non-believers, and about 9% were either staunch atheists, indifferent to faith, or simply did not know[3]. Of the people who identified themselves as "believers," 68% were Orthodox, less than 1% were Roman Catholics, about 8% were Greek Catholics, 2% were Protestants, about 1% were Muslims, 7% identified themselves as "just a Christian," and 13% stated that they were not affiliated with any religion[3].

Although self-identification for polling is important, even more important is what role religion plays in the life of the Ukrainian believer. Is religion a vibrant part of his/her life, or is it something that is nice to remember on a Christian holiday? Is being Christian something that drives a person's actions, or is it simply one of many factors in decision-making, and frankly not a very important one given other societal influences? Jesus in Matthew 7:16 said that you will know people by their "fruits." That is true here also in determining the strength of an average Ukrainian's belief. What evidence can be found in people's lives to indicate whether their religion is hot or cold, alive or on life support?

Turning again to the Razumkov Centre study, the people polled were asked how important were various aspects of their life. One of the categories was "religion," which was identified as the 16th (out of 19) most important aspect in people's lives (health, family relations and standard of living were the top three, and religion, hobby, civic activism and politics were the last four) [3]. Similarly, the people polled were asked which of 12 specific qualities were the most important when raising a family. "Piety" was one of the categories, but again it ranked close to the bottom of the list (it was the 9th out of 12 categories, the top one being diligence) [3]. Church attendance as well as monetary contributions to church can also be considered "fruits." Regarding church attendance, in 2010 about 60% of Ukrainians stated that they attended religious services, and 40% said that they did not attend[3]. Of those who attended religious services, only 17% attended religious services once a week, 23% only attended once a month, and 48% stated that they only attended religious services on religious holidays[3;4; 5]. Finally, when asked whether they materially supported the church, 11% said that they regularly support the church, 35% said that they support of the church from time to time, 29% said that they never support the church, and 24% said that they make contributions on religious holidays and pay for the performance of rites[5].

According to the Resume cough Center study, 79% of Ukrainians believe that "religion raises the morality and spirituality of the people." 71% believe that "religion is one of the most important means of revival of the national self-consciousness and culture," and only 21% believe that "religion is poorly adapted to the needs of a modern person." [5] yet, although a significant majority of Ukrainians according to the study see the importance of religion, particularly in terms of Ukrainian self-identity, few see the impact of religion in making political choices. In terms of political choices, 30% of Ukrainians formulate their own political views individually, 13% rely upon the media, and only 7% view the political choices as at least partially influenced by the religious organization[5].

The question of course is what all of these statistics and opinions mean. From my vantage point, it appears that Ukrainians are similar to Western Europeans as well as North Americans. They consider religion to be important, and they do believe in God, but they do not often go to or contribute to church. Although Ukrainians appear to have many biblical beliefs, [3] the choices

that they make in life are really not influenced by their Christian beliefs. Again, this is similar to many professed Christians in both Europe as well as North America. This is not, however, consistent with the biblical Christian worldview of the Founders of the United States, and which they instilled in both the United States Constitution and the American Republic. The balance of this article discusses this Christian worldview with respect to law and government, and hopefully presents a model for the Ukrainian nation to consider as it continues to develop.

### **III. Christian View of Law and Government**

#### **A. Introduction**

When advocating for a specific political theory, I believe full disclosure requires telling you, the reader, about the foundations for my Christian political theory. Since I described my political theory as "Christian," you will naturally infer that I believe in Jesus Christ, who came into the world in the First Century, and that by dying on the cross, he redeemed me from my sins. I do believe this deeply. I also believe in the doctrine of the Trinity, with the Godhead consisting of God the Father, Jesus Christ, and the Holy Spirit. I believe that God created the heavens and the earth, that God created man in God's image, and that God provided for an orderly universe with many natural laws. Finally, I believe that man by nature is sinful, that man needs redemption from sin, and that Jesus Christ provides us with that redemption.

These doctrines are not unique to me or my fellow Protestant Christians, since the same doctrines are shared both by Orthodox as well as Catholics[1]. All three groups share the same basic truths and Scriptures, although the groups may differ in terms of traditions and emphasis. The political theory that I explore below, which is fully consistent with Scripture, may be undiscovered by some branches of Protestantism, Catholicism, and Orthodoxy, and yet it was the political theory dominant in the northern portion of England's former colonies that became the United States, and these New England colonies provided the philosophical basis for the founding of my country, and the hope for other countries.

#### **B. Creation Order, Laws and Inalienable Rights for the "Pinnacle of Creation"**

A central principle of the Christian legal theory is that God created the universe, and established an order that is evident throughout the universe[6]. God revealed this order both in the universe[7] as well as through the Bible[8]. A Christian-based legal system acknowledges the sovereignty of God, and therefore legislative power is restrained by the pre-existing legal order established by God. Governing authorities do not create law, but are under law and restrained by it. Man's laws must conform to, and confirm, divine moral laws and laws over creation. This does NOT mean that the Ukraine government should enact all of the laws given by God to Moses. Those laws were for a special place and time. But, man's laws must be consistent with God's laws.

Perhaps no one wrote more eloquently about the connection between man's laws and God's laws than Sir William Blackstone, who wrote Commentaries on the Laws of England (1765-1769). Blackstone defined "law" as "that rule of action, which is prescribed by some superior, and which the inferior is bound to obey"[9]. Since God is superior, God prescribed laws that inferiors must obey. Examples abound in the universe the law of gravity, the law of motion, the laws of physics and chemistry[9]. Plants and animals are, of course, subject to these laws most plants need sunlight for photosynthesis, some animals are carnivores and some herbivores. But rarely are animals both carnivore and herbivore at the same time; their digestive tracts, as designed by God, do not permit this deviation from His law.

The pinnacle of God's creation man was made in the image of God[10], and God gave man both free will and reason. As God's image bearer, God has given man certain rights which the drafters of America's Declaration of Independence described as "inalienable," which means that these rights cannot be sold or taken away. The rights identified in the Declaration of Independence include the right to life, liberty, and pursuit of happiness, and these rights were extended in the Bill of Rights, which were the first amendments to the Constitution. These rights include freedom of religion, freedom of speech, freedom of press, freedom of assembly, freedom to petition the government, the freedom to keep and bear arms, the freedom from unreasonable

searches and seizures of persons and houses, freedom from self-incrimination in court, and the guarantee not to be "deprived of life, liberty, or property, without due process of law." [11] Other fundamental rights determined subsequently include the right to marry, the right to raise one's children, and the right to vote (assuming that the proper qualifications are met) [12]. These fundamental rights may only be overcome by the government if the courts find that the government has a compelling state interest, and that the method of restricting these fundamental rights is the least restrictive means available. These are very high barriers that the government rarely overcomes.

### C. The Need for Government Order, Punish Evil and Promote Good

As noted above, God made man in God's image and gave man both reason and free will. "Free will" means, of course, that man could decide for good or evil. Man in the exercise of his free will decided to disobey God's command, resulting in sin that consistently (with one exception!) has plagued man's off-spring[13].

The universal presence of sin in man, and the evil and disorder that resulted, is the reason God ordained government[14]. The state's most important roles are to preserve order, punish evil and encourage good[15], which certainly involves protecting citizens from the sinful conduct of their neighbors and providing justice when the law is broken. The Apostle Paul indicates that government must preserve order—allowing people to live “peaceful and quiet lives”—in a sinful world[16]. The state, as ordained by God, is to be a minister of God that not only allows men to follow God, but also restrains the harm that would otherwise occur in the absence of constraints[17].

Because of government's duty to reward good and punish evil, it is vitally important that the government know the difference. Hitler undoubtedly thought that he knew the difference between good and evil, and he furthered his concept of good by setting in motion the killing of seven million Jews and infirm, and enslaving Poles and other Europeans to serve the Aryan people, the "master race." The Soviets also undoubtedly thought that they were rewarding "good" (or that they were committing evil to create a greater good) when they starved your Ukrainian ancestors and took their lands for the "communal good." Monsters like Mao Tse-tung and Pol Pot who killed millions of their own citizens could not have killed with such zeal unless they were convinced that they were creating a better society for future generations.

This short history of 20th Century villains emphasizes the reality of the evil that lurks in the hearts of man, and the need for absolute standards of right and wrong behavior. Without following the absolute standards found in the Bible venerated by all Christians, the standards will be set by either the strong, or will be considered an evolving standard that changes over time. Standards set by the strong are, of course, a dictatorship, and the effects of dictatorship are described in the preceding paragraph. Evolving moral standards are presumably the product of reason, but remember that reason is flawed and can lead to bad consequences.

### D. Because of Man's Sinful Nature, Governmental Power Must Be Limited

As noted previously, man's free will chose to disobey God, and since that time every person (except one, Jesus) has disobeyed God. Because sin is in every human heart[18], and because power is a corrupting influence, there must always be a clear separation of powers at every level of civil government. That is, governmental power should be divided among different groups or persons, so that power is not concentrated in only one person or a very limited group. This separation should be done both horizontally and vertically, and should limit government in certain specific areas.

An example of horizontal separation is a national government with an executive branch, judiciary, and legislative branch. The Constitution must provide sufficient safeguards so that one branch does not grow too powerful and dominates the others. Unless the judiciary can check the legislative branch, the legislative branch can check the executive, and the executive can check both branches, etc., excessive power will reside in a single man or group of men that typically have as their greatest need the retention of power and all the benefits that flow with power.

With vertical separation of powers, there should be layers of government that provide different functions, and the authority of these different layers should be guaranteed by the more powerful layers. For instance, most of the services I receive are from my city. If I need a policeman or fireman, the city will send a police car or fire engine to my house. My neighbors send their children to our local public schools, which is again a function of the city government. Because we are more hot and humid in Ukraine, we have a vehicle that sprays and kills mosquitoes, and this again is a service provided by the city. Buses, trains, and roads are provided primarily provided by the government closest to the people. These responsibilities are different than those provided by my state, which provides some of the money for some of the local functions, but provides generally different functions that the city simply does not provide.

The national government, the United States of America, was originally a government with very limited functions[19]. These functions differ from those of the cities and states. My city has no authority over the U.S. Navy, and my state has no authority to coin money and regulate its value. Although all governments have some power in common (for example, the power to tax for the services provided), generally the powers and duties are different, with the local governments providing the services needed on a daily basis, and the national government providing services like national defense that only it can really provide.

In addition to governmental power being divided horizontally and vertically, it should also be limited in specific areas. Although government was, as noted above, ordained by God, it was not the only institution created by God. God also ordained by families, churches, and individuals. God ordained families, of course, when he created Adam and Eve and they began having children. God has granted families the responsibility of raising and sustaining children, which of course includes education.

God also created the church independent from the state. Although the relationship between a church and state is often close, the church giving legitimacy to the state and the state protecting and supporting the church, such arrangements tend to result in the state interfering with the doctrines and authority of the church. This relationship tends to subvert both the church and state. In short, since families and churches also enjoy God's ordaining, they should generally enjoy their own autonomy, and the state should limit its authority in these areas.

#### E. The Rule of Law Is Essential for Moral Government

The "rule of law" means that no president, king, or prime minister has unchecked power. Everyone is under the law, and no one is superior to the law. With law as "king," the laws apply equally to everyone.

The rule of law is violated whenever a person or group has unchecked power, and therefore can disobey the law without fear of punishment. This happens of course with strongmen in smaller countries, who take care of their friends and family to the detriment of the rest of the citizens. Criminal mobs also repeatedly violate the law in various countries, and government supported monopolies also have unchecked powers. The rule of law is even violated in countries where the government has a monopoly over the media, and is unchecked when it broadcasts lies that cover up government misconduct with no fear of consequences. The rule of law is essential to promote a "level playing field" for all individuals, allowing hard work, dedication and talents to achieve in a competitive society.

### **IV. Should Government Prosecute All Sins?**

A common objection to a Christian view of government and law is that the persons advancing this theory are trying to create a theocracy, and are legislating their morality. In this regard, it is important to recognize that most of law is the enactment of morality or is procedural thereto. That is, a law that respects the budding life of an unborn child and prohibits the mother from having an abortion is an enactment of a moral code. Similarly, however, allowing a mother to abort the unborn child is also an act of morality, the morality being that the rights of the mother outweigh the right to life of the unborn child. In both instances, therefore, there is enforcement of morality in law, although the moralities are different.

Moreover, a Christian view of government and law does not mean that all morals must be enforced by specific laws. Rather, man must legislate morality only to the extent that order is maintained and human rights are protected. The laws that should be enacted are those that make us a more virtuous society, like laws that respect and promote the God-ordained institutions of family and church. The Christian legal theory also encourages the enactment of laws that promote the public good, which is not simply protection of individual autonomy. Good government is not the liberation of individuals from the constraints of common morality held by traditional religions. Rather, the public good is promoted by rational moral principles and historical evidence.

God has made specific provisions in the Bible for good government. He expects government to be orderly, equitable, just, and know the difference between good and evil. God recognizes that man's evil nature will cause him to commit crime. A legal system that is just will hold man responsible for his actions and restore God's order whenever possible. God does not expect every sin (like lying) to be punishable, unless it affects the life or liberty of others (such as perjury). A system of law that maintains order and liberty through justice will create a firm foundation for a more virtuous society and the increased happiness of the people.

#### Literature

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2. Overview of Christian history in Ukraine. Access mode: <https://www.ewtn.com/library/CHISTORY/UKRACATH.HTM>
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6. What is the Second Law of Thermodynamics? Access mode: <http://www.livescience.com/50941-second-law-thermodynamics.html> (last visited February 27, 2016).
7. "The heavens declare the glory of God; the skies proclaim the work of his hands." Psalm 19:1 (NIV).
8. "All Scripture is inspired by God and is useful to teach us what is true and to make us realize what is wrong in our lives. It corrects us when we are wrong and teaches us to do what is right." 2 Timothy 3:16 (New Living Translation).
9. Blackstone William Commentaries on the Laws of England (1765-1769). Access mode: <http://lonang.com/library/reference/blackstone-commentaries-law-england/bla-002/> (last visited Feb. 27, 2916).
10. Genesis 1:26.
11. The Bible specifically identifies the following rights: Procedural due process rights, which involve an impartial judge, fair hearing, speedy trial, confrontation of witnesses, and no double jeopardy are supported by Deut. 1:16-17, Lev. 19:15, I Timothy 5:21, Malachi 2:9, Exodus 22:9, Ezra 7:26, Isaiah 43:9, and Nahum 1:9. Substantive due process rights that involve equality before the law for all races and sexes, rich and poor, citizens and foreigners are found in Acts 10:34, Galatians 3:28, James 2:1-7, Amos 9:7, Exodus 21:2, and Isaiah 1:16-17.
12. Fundamental rights, including the right to life, the right to family life, freedom of religion, right to work, and the right to own property can be found in I Timothy 5:8, Matthew 5:21-22, Luke 1:15, I Corinthians 6:19-20, Exodus 20:13-16, John 7:17, Acts 5:1-4, Ephesians 4:28, and Deuteronomy 23:25-26
13. Genesis 3. The sinless exception, of course, is Christ.
14. James Madison The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments . Independent Journal. – Wednesday, February 6, 1788. Access mode: <http://www.constitution.org/fed/federa51.htm>
15. Romans 13:1-7, from which the following principles are derived: (1) God, as sovereign, has appointed authorities who hold governmental power (verses 1-2); (2) these appointed authorities must be a "terror to bad conduct," which means that they must restrain evil by threatening punishment (verse 3); (3) government officials are to give approval or praise to those who do good (verse 3); governmental officials serve God, they are God's servant for the good (verse 4); (5) God's appointed officials are empowered to execute God's wrath on evildoers, thereby carrying out retribution. See Wayne Grudem, Politics According to the Bible 80 – 81 (2010).
16. I Timothy 2:2.
17. The ruler is God's servant, an agent of wrath to bring punishment on the wrongdoer.' Romans 13:3, 4.
18. Although everyone is sinful, everyone is not completely sinful all the time. Unredeemed mothers love their children also, and people are generally courteous to others. Christians call this "common grace." Matthew 5:45.
19. The Constitution of the United States of America (see [explanation](#)). Access mode: <https://www.law.cornell.edu/constitution>.