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The Christian Legislator: Seeking to Pursue Social Justice in a Globalized World

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Most Christians who stand for public office as legislators want to make a difference in today's confused world. They offer themselves to the public as people who are able to make a difference. They do so motivated by the ideals of Christianity stated in Scripture. They stand for elected office knowing that Christ will be with them as they throw themselves into the fray of politics in an ungodly world.

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Most enter politics with little appreciation of the constraints and frustrations that will confront them as they pursue their ideals. They are often naïve, wanting to change the world overnight and wanting to be leaders without serving an apprenticeship. The most needed qualifications for Christian legislators are experience in politics, solid moral foundations, and conscious obedience to the will of God.

It is stated in our conference documentation that Christians in the past several decades cannot claim that they have transformed their societies as a result of their efforts. In fact, the opposite is true. In spite of all our efforts in the so-called Christian countries, we have gone backwards as far as Christian ideals and ethics are concerned. Our laws are less Christian than they were fifty years ago.

If we are going to make a real dif-

ference in the world as Christians we have to get into the real world and see things from the viewpoint of the world. That may seem a worldly and compromising thing to say, yet unless we do so, we cannot make a difference because we will not really see what our own distinctives are.

The apostle Paul knew the problem. It was in Athens that he saw it most clearly. The Athenians, for all their lofty ideals and for all their pursuit of truth and love of knowledge, did not have a clue as to what he was talking about. He was merely a strange babbler with a new set of ideas to solve the perennial problems of the world. Today it is a little different; we Christians are viewed as strange babblers with an old set of ideas to solve the problems of the modern secular world, the sort of people who would try to repair a modern motor car with the tools to re-shoe horses.

God has not sent us into the world as people who will be welcomed as saviours of humanity. The unredeemed mind will always regard the Christian message as irrelevant, strange, and antiquated. It was ever thus. We are, however, sent into the world as salt and light. It is an infected and dark world where we can demonstrate that the teachings of Jesus Christ are the only ones that will make a real difference to a bewildered humanity.

In the West we live in a secular existentialist world which is immersed in the philosophy of the age, a philosophy which has crept up on the church often unawares. Like Rip van Winkle we have woken up to

a vastly different world from that which existed when we fell asleep. For a hundred years evangelical Christians have withdrawn from the secular world at their cost and to their regret. Even now there is relatively little encouragement from Christians for Christians in politics. They are not seen as missionaries who are out there winning the world for Christ. They are usually seen as risk takers dirtying their hands in Satan's realm. Unless this attitude changes we cannot make a broad significant difference in politics, although individuals may well make a significant contribution in their own society and situation.

Although we have eternal biblical ideals, in many ways we and most other politicians enter upon the 21st century with considerably less optimism than our predecessors did when they entered upon the 20th century. It may be that as we enter the third millennium we would do well to consider the experience of jurisprudence over the past century, and indeed the past two millennia, to find the reason why.

As I was preparing this paper, I turned to the legal textbook entitled *Jurisprudence: from the Greeks to Post-Modernism*¹ by Wayne Morrison, a professor at the University of London and also a visiting lecturer here in Kuala Lumpur. He writes in the preface: 'This book has been worked on in London, Athens and Kuala Lumpur. Each location has left its own imprint.' Consequently, as

¹ Wayne Morrison, *Jurisprudence: from the Greeks to Post-Modernism* (London: Cavendish, 1997).

we are having our conference in Kuala Lumpur and with my interest in the experience of the apostle Paul in Athens, so I was curious about what Morrison would say.

His work is an historical survey of the philosophers and jurists who have made the legislative world what it is today, i.e. the real world into which Christ has sent us, the world that we seek to transform. Believing that it is necessary for us to see what the real world of jurisprudence, and therefore of lawmaking, is like as we embark on this conference, I will give a brief summary of Morrison's work.

He starts off by saying that the writings of the two Greek figures hailed as the founders of western philosophy—Plato and Aristotle—display differing approaches to the task of stabilizing social order and creating mechanisms for structuring social existence. Nevertheless, both sought the security of the 'truth' which resulted in nature. While the world may seem full of diversity and disorder, both asserted that the natural order lay behind or inherent in it, and this order could found man's social order, once its basic principles were known.

In his *Republic*, Plato laid out the foundations of the ideal state where the legal regime leads to the good life. The question is whether good is pleasure or reason. The tensions of communal life are to be balanced by the directional power that knowledge of the just, the good, and the right, offers. To reach the truth, to ascertain what is good for humanity, we need to surpass the empirical situation we find ourselves in.

Plato's ideal Republic had two key attributes: first, it is founded upon justice and then all the citizens within it are happy. For Aristotle, too, the objective of human existence is happiness, a concept that is reflected in the constitutions of a number of the states of the United States of America.

Plato asserts that:

Our job as law givers is to compel the best minds to attain what we have called the highest form of knowledge, and to ascend to the vision of the good. The objective of our legislation is not the special welfare of any particular class in our society, but of society as a whole; and it uses persuasion or compulsion to unite all citizens and make them share together the benefits which each individually can confer on the community; and its purpose in fostering this attitude is not to leave everyone to please himself, but to make each man a link in the unity of the whole.

This is a noble ideal to which many of us would aspire. You will note that the sense of law which constitutes the ideal republic in Plato's eyes is vastly different from today's liberal ideas which stress tolerance and plurality (although, as I shall say later, in truth they stress intolerance and non-plurality).

As we consider these lofty ideals we should remember that until relatively recently democracy was a short-lived experiment tried out only by the egalitarian citizens of Athens, a small city-state in the ancient Mediterranean world. It was a world of heady ideals and illustrious philosophers, but soon the Greek world was to be absorbed into a well-developed austere Roman legal system administered by heavy-handed officials for whom social justice was

an unknown concept.

When in turn the Roman Empire crumbled and the broad influence of Greek secular philosophy crumbled with it, the time came when Christian thinkers could press the jurisprudential world into the mould of Christian values. After a long personal and intellectual struggle, St Augustine came to believe that the path of true knowledge and real philosophy (love of wisdom), comes from the gift of moderation, and asserted that the path of pure knowledge is not to explore the cosmos as if we were its rulers, but rather to inquire humbly into oneself as a limited and dependent being, and thereby ascend into knowledge of what is most true and pure, namely, God.

Augustine asserted that mankind, although created by God, is decadent, and depends ultimately upon the grace of God. We may choose to do what is good but we do not have the spiritual power to do the good we have chosen. We require the help of God's grace. With Augustine, the story of mankind's personal life was part of the overall story of the final social order—God's story. Thus, the political life of the state is under the same set of moral laws as those of the individual. Behind the entities and operations of the world order stands its author and ruler: God. Natural law is a reflection of God's truth, God's eternal law.

Centuries later, Thomas Aquinas followed with his own Christian insights, but as a result of the failure of the church to reform itself and as a result of the persecution of the Reformers, especially their expul-

sion from intellectually-awakened France, the stage was left to the irreligious philosophers of the so-called Enlightenment. Starting with Rousseau and his ilk, they pursued their godless agenda which has set the scene for today's irreligious world. These people included Thomas Hobbes, David Hume, Immanuel Kant, Frederick Hegel, Adam Smith, Jeremy Bentham, John Stuart Mill, John Austin, Karl Marx, Max Weber, Friedrich Nietzsche, Hans Kelsen, and H.L.A. Hart. Each one descended lower into the realm of godless society, which reached its nadir in the Nazi Holocaust of the 1940s and the Soviet Holocaust from 1921 until well into the second half of the 20th Century.

In the late 1950s in the aftermath of the Holocausts, the English jurist, H.L.A. Hart, who was widely regarded as the foremost legal positivist of modern times, offered a summary of several possible tenets of legal positivism. Essentially modern 'positive' law is something 'posited' by humans for human purposes and is a label for a set of related approaches to law which have dominated western jurisprudence in the last 150 years. They include the following:

- 1) Laws are merely commands of human beings;
- 2) There is no necessary connection between law and morals, or law as it is and ought to be;
- 3) Moral judgements cannot be established or defended as statements of fact, or by rational argument, evidence, or proof.

Morrison states:

We live in uncertain times; many

commentators feel that the policies of modernity to construct societies of social justice where people would be happy have proved false. Marxism stands discredited as a political doctrine, while liberalism seems to many to be an empty shell incapable of providing the source of social meaning.

He goes on to assert that

law, utility, contract, economics—symbols of existential distance and calculation—provide the relational tools of the late-modern. By contrast, love not law, encounter not utility, contact not contract, denote concern for a different existential relation. How are they to be reconciled? Where is the beginning? In the beginning there was nothing; no words, no vision, only the void. Call this what you wish—‘black holes’ is the currently fashionable idea—but we now know that there was no God to lay out the foundation, to name the entities of the cosmos and prepare the script of our destiny. We now know that our societies are social-historical constructions; they, and we, could have become something different than they are today. We are a contingency. How can we face this? Is this realisation of social construction specifically a modern consciousness—as we tend to think—or did certain people always realise that humanity alone interpreted and laid out the meanings of the cosmos? And what does this realisation impart? Do we need to have a grasp of the totality of existence to answer questions of the meaning of social life; or is human history a constant movement of pragmatic enterprises and arguments within overall mystery?

In the depths of the depression of the 1950s and 1960s, when godless jurisprudence had proved to be the road to hell both in this world and the next, do we see a return to Christian and other religious values or to theism? No, we see new godless jurists such as Ronald Dworkin, a leading contemporary American exponent of liberal jurisprudence in the Anglo-American world in the 1970s, seek-

ing to rebuild a godless political programme of fairness and individual rights in a liberal world against the background of disenchantment and a crisis of confidence overtaking the western world as its philosophies and institutions were questioned.

Against the background of Dworkin’s work, and perhaps because of it, the Critical Legal Studies movement of the 1970s sprang up as a phoenix from the fires of the holocausts. It is, perhaps, the latest incarnation of mankind’s effort to seek its own salvation. The movement is full of both anger and hope—anger at the disenchantment of the past and hope that the human condition can be improved. But they see no Utopia and no certainties, only constant struggle and the mystery of the human condition. Twenty years after it was set up in 1977, the movement definitively asserts that God is dead (a well-known theme of the 60s and 70s). Yet it does not seem absolutely sure of this because the movement seems intent on continuing to search for proof of his death or proof that he has never existed. It is not without reason that the Bible asserts that the wisdom of this world is foolishness to God.

Morrison’s concluding remarks are interesting. He writes: ‘What is clear is that our considerations of law reflect the ambiguities, hopes, confusions and fears of the post modern condition.’ As I have said earlier, Morrison was pondering these dilemmas while lecturing in both London and Kuala Lumpur. In that context he writes at the end of the book:

There are those who see the effect of colonisation as entertaining the underdeveloped world in webs of Western legal domination and those who see in colonisation the spread of a legal culture of Human Rights, equality of opportunity, and the opening up of individual life projects for new subjects. Others, however, point to the rise of the Asian Tiger economies, which combine capitalism with social traditions of patriarchy and relative authoritarianism, and fear that in the new world economic order the benefits of Western legal liberalism will increasingly come under fire and a new fascism emerge.

He points out that this contrasts with the structured world of fundamentalist Islamic Society.

He goes on:

In time, the idea of social progress was joined with law so that law was seen as an instrument to guide us to that land and time of our happiness. Law was to be the guarantor of modernity, sure in its purpose, the instrument of rational power. Law has seemed to have lost its rationality.

With those words I close Morrison's book on the philosophy emanating from the prince of this age who, with God's consent, rules God's unredeemed creation today—a book that ends with the despondency that godless efforts are bound to result in, the despondency that is the hallmark of hell itself.

We as Christian legislators could be equally despondent because we face a task that is impossible in merely human strength. Yet we must not lose heart, we must go on because our Christian philosophy is the only one which has any validity in addressing the human condition. So how do we go about our task against this background of godlessness? There are a few observations that I wish to make:

1) In elected representative democracies we can go only a little way beyond the mandate of our electorate. Although our overall mandate comes from God, our constitutional mandate comes from the electorate and we must respect it. Legislators and government are only a reflection of society as a whole. It is the job of the church, not politicians, to evangelize and turn the hearts of men and women through the proclamation of the gospel.

2) Legislation is not the answer to all society's ills, although good legislation can help. Even good legislation which is grounded in biblical ideals is often not the full answer. I think particularly of the abolition of the slave trade in the 19th Century, which was completely good in concept. It was followed by the Emancipation Laws that were enacted in a well-meaning but socially inappropriate way, which did not result in social justice.

During the time of slavery, slaves had financial worth and it benefited their owners to keep them in reasonable health so that they contributed their labours to the business. Once they were emancipated, former slaves had no financial worth in the hands of their former owners. They were cut loose from their bonds and thrown into an alien world in which they had no experience whatever. Their former owners no longer had any economic interest in them and they no longer cared. The slaves hired themselves back to their former owners in even more dire conditions than previously. Today we need to learn from this. As legislators

we need to ensure that we are not merely do-gooders. We need to take into account all aspects of the human condition.

3) As Christians we need to prick the consciences of the irreligious. The human rights we talk about are not the same as the ones they talk about. Take for example the new Charter of Fundamental Rights of the European Union passed in Nice, France, on 7 December 2000. It says in Article 1: 'Human dignity is inviolable. It must be respected and protected'; in Article 2: 'Everyone has the right to life. No one shall be condemned to the death penalty or executed'; in Article 3: 'Everyone has the right to respect for his or her physical and mental integrity'; Article 20: 'Everyone is equal before the law'; Article 24: 'Children shall have the right to such protection and care as is necessary for their well-being. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration'.

So far, this is good, but what about the rights of the unborn child, whether one month or eight months in the womb. Medical science tells us definitively that the unborn child is fully human. No, that is not the case, say the politicians and the lawyers. They are not human. We protest when it is pointed out to us that Article 52 applies: 'Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of

proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.'

In other words, we protest, does this mean that the interests and objectives of the State are paramount and only those recognized by the State (the English word for 'Reich') are valid? Well, we protest further, surely if we accept this argument there is no difference between the humanity of the unborn child and the Jew in Nazi Germany, where by law they had no citizenship and were subhuman. No, the liberals retort, that is quite different and to suggest that it is, is to be totally bigoted—an accusation that was levelled at me during the parliamentary debate on our own abortion law in Guernsey in 1997. My critics did not have any arguments, either good or bad, to disprove the medical evidence that a child of eight months since conception is human. There was just a blank refusal to accept reason or scientific fact. There is no winning in the short term. To the godless, logic, whether legal or scientific, does not come into it, or if it does it is distorted 180 degrees by humanistic pseudo-reason. Our only hope is to change the hearts of humankind—and this is something that legislators and legislation cannot do. That is where the church has a quite separate job to do from the legislature.

4) As we all know, the question of Human Rights, which all of us approve of as much as Mum and apple pie, has been high-jacked by

'loony liberals'. Take, for example, the promotion of the human right to engage in acts of sodomy, which is being advocated, at least by the present UK government, as of equal status to normal sexual relationships between married couples. All medical evidence suggests that sodomy and promiscuous sex do immense harm and are largely responsible, at least in the West, for the AIDS epidemic that we are experiencing. One would have thought that in these conditions there would have been a concerted attempt by government to discourage errant human behaviour and advocate traditional values which have proved historically to be healthy. But no, they insisted that the legal age of children to engage in homosexual acts be lowered to 16 years. The horrendous health risks involved were simply overlooked.

5) A friend of mine had an incident some time ago. His daughter is training as a nurse in the UK. She had to write a paper on morals. In it she said that in her opinion, sex before marriage is wrong. She was told by her tutor that her attitude was inappropriate for a nurse and this was going to be noted on her professional records. In this supposed age of tolerance and human rights guaranteed, we are told, by (in our case) the Convention and the Charter of Human Rights in Europe which guarantee freedom of speech, we are being gagged by a totalitarian intolerant liberal elite who abhor tolerance or plurality. We have to destroy this denial of human rights and true liberality.

6) When Christ was on earth he

said, somewhat surprisingly, 'Do not think that I have come to bring peace on earth; I have not come to bring peace but a sword. For I have come to set a man against his father and a daughter against her mother and a daughter-in-law against her mother-in-law; and a man's foes will be those of his own household' (Matt. 10:34-36). I believe that the time has come to wield the moral sword. We have to come to the rescue of the growing generation and pour scorn on the stupid illogic of their parents' generation. We owe it to the young to point out what true values are. We have to be strong and brave, because we are confronting Satan and his evil empire.

To conclude, if we are to make progress in this evil, perverse world we have to re-engage the world with all the armour at our disposal, including the following:

1) The churches must fearlessly proclaim biblical truths as the norm, yesterday, today and forever. In the past we have been timid when faced with pseudo-scientific politically-correct nonsense. We must proclaim the gospel of Jesus Christ as it is and proclaim him as the only solution to the world's problems.

2) We have to re-engage in rigorous intellectual debate in all realms of knowledge and experience. In the past century we have withdrawn from the crucial battle-lines of winning over the hearts of men and women. The enemy is at the present time on top of the ramparts flying Satan's victory flag. Using the tools of proclaiming the gospel and engaging in intellectual debate, we must,

win over the hearts and minds of our fellow citizens. After all, probably only a few of them accept the present foolish liberal philosophy.

3) Having engaged in the presentation of the gospel and rigorous intellectual debate and having attracted public opinion to our side, we can then expect Christian legislators to change the legislation that has done so much to undermine our society. However, until then Christian legislators are like frontline troops fighting without supply lines of ammunition and food and without air cover, intelligence or reconnais-

sance.

When I was pondering this paper a few days ago, I was in a London Underground train. I saw a poster which read 'Life, Liberty and the Pursuit of Happiness. What more could one have. Come to Pennsylvania.' It was almost right—but not quite. It should have read 'Come to Philadelphia'—not the capital of Pennsylvania, USA, of course, but the city of 'brotherly love' which has God as its cornerstone, the city that Augustine spoke about so long ago, the only city where social justice can survive.

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