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Book Reviews

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The Rule of Law

B. F. PRICE

The word 'Law' has come to have at least two distinct meanings in modern times. It may be used with reference to human conduct, so that we speak of someone 'breaking the law' when he disobeys a rule which is imposed by some higher authority. It is usual in this connection to speak of 'laws' when the regulations are imposed by the State, and of 'rules' when they are made by some lesser authority, such as a society or an institution. Growing out of this first sense of the word is another, belonging to the realm of science and philosophy. So we speak of the law of gravitation, the laws of motion, Mendel's law, and so forth. These can all be gathered together under the expression 'laws of nature'. But these laws are really principles deduced from particular facts. We can sum up such laws by saying: 'Assuming that such and such conditions are present, then this will be the result.' We may sometimes be misled by the kind of language which is used in speaking about these laws, as when we are told that some natural object 'obeys' a certain law of nature. We must remember that 'obedience' is here a metaphor taken from the realm of human conduct. We can 'obey' or 'disobey' a command because we are responsible human beings, but water cannot strictly be said to 'obey' a law when it freezes at 0°C. The fact that it does so is independent of any 'law' formulated by scientists, since that law is simply a generalized statement without which scientific study would be impossible. The laws of nature do not in themselves cause or produce events—they simply analyze the pattern in accordance with which events take place. Now, this use of the expression 'law of nature' has grown out of an earlier use of the same phrase which goes back to Roman times, according to which 'Nature' has implanted in the human mind the knowledge of right conduct. When we use the term 'laws of nature' with reference to scientific formulae, we are inheriting this usage from seventeenth-century scientists who looked upon these 'laws' as commands which were imposed on material objects by God, so that, for example, Robert Boyle says, 'The wisdom of God does confine the creatures to the established Laws of Nature'.

But to return to the ancient pre-scientific conception of the Law of Nature. This was understood as the universal principle of justice underlying all the various imperfect human embodiments of justice in society. Thus we meet with the prohibition of murder or of stealing in ancient and modern codes of law from all parts of the world, together with the exaltation of the ideals of kindness and courage. Two hundred years ago, a distinguished English lawyer described the Law of Nature as 'binding over all the globe in all countries and at all times; no human laws are of any validity, if contrary to this'. What, then, is the source of this law?

The Classical Thinkers

The classic discussion of the nature and source of justice is to be found in Plato's *Republic*. In this dialogue the friends of Socrates make various suggestions regarding the nature of justice. One claims that it is 'to restore to each man what is his due', but this definition is found to be unsatisfactory, since it may involve calling the injury of others 'justice'. Another friend then claims that justice is 'the interest of the stronger'; so that each government makes laws to suit its own interests, and having done so, calls the result justice. This is, in fact, the position taken by Marx when he claims that law and morality in any age or society are nothing but the reflection of the local and contemporary economic outlook at any time and place, and of the ensuing struggle for power. Similarly, Lenin describes normal notions of morality as 'a deception, a swindle, a befogging of the minds of the workers and peasants in the interests of the landlords and capitalists'. Marx and other Communists are hardly consistent, since they have frequently acted upon a higher view than that which underlies these theories. Such purely materialistic conceptions of human behaviour as they claim to hold leave no room for any altruistic or egalitarian motives, and are inconsistent with a show of righteous indignation on behalf of the exploited masses. Granted this view of justice and morality, the only reasonable motive for conduct is pure self-interest. But to return to the *Republic*. Socrates convinces his companions that a ruler, in so far as he is a ruler, is concerned with the interests of the State, not of himself, just as a doctor, in his capacity of doctor, is concerned with the healing of the patient, and not with his fee. But a third friend makes the claim that so-called justice arose in society as a compromise between the advantages of imposing injustice on others and the disadvantage of suffering injustice at their hands. The modern parallel is the theory of the seventeenth-century philosopher Thomas Hobbes, who pictured the natural state of society as anarchy, from which escape has only become possible by the artificial construction, by agreement, of the State, which is henceforth supreme over the individual. Law is therefore simply identical with the will of the ruler. Socrates and his friends finally reach the conclusion that justice is the power which enables communities and individuals to live in inner harmony, doing that for which each element is fitted. Some centuries later, Cicero defines law in Stoic terms as 'right Reason, congruent with Nature, universally diffused, constant and eternal, which summons to duty by commanding and restrains from wrong by forbidding'.

In taking over this conception of the Law of Nature, the Christian Church from an early stage drew a distinction between the absolute or eternal, and the relative, Law. That is to say, God's original design for human conduct was one in which no coercion is necessary, since spontaneous love would rule in all hearts, with no social distinctions of ruler and subject, master and servant. In contrast to this absolute Law of Nature, we know only a relative law, adapted to man in his present fallen state. For, in human life as we know it, there are indeed social distinctions, there is an unequal distribution of property, and in postulating the identity of the Law of Nature with that given by God to His people through Moses, the early Christians recognized that that law

entered a fallen world, so that it was already a compromise between the perfect purpose of God and practical human systems of law.

The New Testament Conception

Does the New Testament throw any light on this conception of a Law of Nature, or is it simply a pagan belief absorbed by the Christians of a later age? Paul speaks rather like a Stoic in Romans 2:14, 15, when he places on the same level the Gentile who obeys the Law of Nature and the Jew who obeys the Law of Moses. Paul, who before he became a Christian was certainly a Jew, not a Stoic, no doubt recognized that the book of Genesis spoke of an earlier commandment given by God than that which was issued through Moses. For the ninth chapter of that book represents God as making a covenant with Noah as the representative of the survivors of the human race after the Flood. It is here that the principle of exacting a life for a life is established. Paul no doubt believed that this principle in human society, not confined to Israel, arose from a direct command of God to the common ancestor of Jews and Gentiles. The first chapter of John's Gospel expresses the idea that the Word of God, which became flesh in Jesus Christ, was the true light that enlightens every man, irrespective of race. The writer no doubt identifies the Word of God with His Wisdom, which was regarded by the Jews as God's agent in creation, and which in turn was identified with the Law (see Deut. 4:5, 6). The word which is translated 'Law' in the Old Testament originally had no connection with the Stoic conception of an underlying natural principle upon which human legal systems were based. On the contrary, the word might equally well be translated as 'revelation', for through it God's purpose is revealed, and each individual is responsible before God for obeying His command. This is strongly brought out in the form of the commandments which God imposes on His people. The Law is not expressed as the will of society, but of the God who is supreme over society; and in the Ten Commandments and certain other ancient laws in the Old Testament, the words 'Thou shalt' emphasize the direct responsibility, not simply of the community, but of the individual, to live in obedience to God, in 'civil' or 'secular' as well as religious affairs.

The Law and the Gospel

This leads us to ask the further question: 'What is the relation between the Law and the Gospel?' In other words, does the Christian still have to concern himself with the Law now that the Gospel has introduced a new relationship between God and man, by which the Old Testament is superseded? This is a question to which Christians have not always paid sufficient attention, but it has an important bearing on the problem of the Christian's attitude to politics, and of the function of the State in the purpose of God. The sixteenth-century Reformers lived in a world in which practical answers had to be given to these questions, and they distinguished three 'uses' of Law, or causes for which God revealed His Law to men, and if we examine these, we shall see that they give us a clear insight into the relation of the Law to the Gospel.

The first of these 'uses' they called 'Political', that is to say, God provided His Law in order to preserve the world in such a state of order that human existence, despite man's disobedience, might still be tolerable. Without this system of rewards and punishments, human society would become chaotic, since we are taking an unrealistic and hence an un-Christian view of human nature if we suppose that human society can function smoothly without any outwardly imposed restraints. This is by no means an Old Testament conception which is superseded by the New, as we may see from such passages as Romans 13:1-7; I Timothy 1:8-10; 2:1-4; I Peter 2:13, 14. These New Testament writers were, as often as not, stating these principles at a time when the State was hostile to Christianity and was under the authority of an absolute ruler. If in these circumstances the apostles refused to advocate detachment from the world, how much greater is our responsibility to exercise our political duties in a democratic State in which Christians are free to influence public affairs? This carries with it the responsibility of Christians to protest against such tyrannous action of the State as would set aside the fundamentals of God's Law for human society as they are expressed, for example, in the Ten Commandments. We must always remember that there is a limit to what the State can rightfully demand, since, when there is a conflict between two loyalties, 'we must obey God rather than men'.

The second of the three 'uses' of the Law is called 'Paedagogic' from the Greek word which is used by Paul in Galatians 3: 24, 25, translated into English as 'schoolmaster' or 'tutor'. But these translations are liable to mislead us. The point is not that the Law is a preparatory process, educating us that we may be fit for the higher stage of the Gospel, but rather, as the context of Paul's letter shows, that the constant presence of the Law is a reminder to us of our *lack* of freedom in our natural state. For the paedagogue was the slave who was responsible for the discipline of the schoolboy in the world in which Paul lived, never letting him out of his sight to do as he liked. It was the very fact that the Jews had so exalted and exacting a moral code in their Law that made it so difficult for the morally sensitive among them to avoid falling into despair. Paul shows us in the seventh chapter of Romans how the Law brought home to him his condemnation in the sight of God. He was a Pharisee, and as such, as strict an adherent of the Law as any Jew could be, but that adherence only brought despair, as he realized how far short of God's standards he had fallen. What, then, when we hear Jesus demanding of each of us a righteousness *exceeding* that of the Pharisees? (Matthew 5:20.) The Sermon on the Mount, far from being a Gospel of grace in contrast to the Law's demands in the Old Testament, is an even stricter interpretation than any that went before it, of the moral requirements of God. It is the final statement of the Law, the supreme exposure of all our human pretensions to righteousness. So far from providing salvation on easy terms, the Sermon on the Mount drives us to the conviction of our helplessness, and makes us recognize our need for repentance and for God's grace. A modern writer vividly describes this aspect of the work of Christ by saying 'He Himself lances the abscess of self-righteousness'. But

without the Law, with its demand that we do our best to obey and please God, that abscess would not become ripe for the Surgeon's lancet.

The third of the 'uses' of the Law of which the Reformers spoke is that which is called 'Didactic'. That is to say, Christ has already fulfilled the Law for us, that Law which not only condemned Him to death (John 19:7), but also laid Him under its curse (Galatians 3:13), and in so doing He has freed us from bondage to the Law. But although we are no longer slaves of the Law, we have been released in order to bring forth the fruits of the Spirit by His grace. This third use is called 'didactic' or 'teaching' because its function is to guide the life of believers. And we certainly need that guidance, however far advanced we may be in the Christian life. The Bible assures us that we cannot in this life claim to be sinless (I John 1:8). We are not freed by Jesus Christ from living in accordance with the will or Law of God, but from seeking to set ourselves right with God in proportion to our success in obeying Him. We are set right with God through His grace, and not through anything we may do, but that leads us on to the 'good works which God afore prepared that we should walk in them'.



The men who think they can find the fullest inspiration for leading the good life quite apart from those sanctions of philosophy which have to do with the ultimate nature of reality, or those assertions of the Christian religion which give final glory to the life of man by seeing it in God, and through God, and subject to God's personal invasion of human life are really asserting that you can grow the tree of human life without any roots in the nature of things. The truth is, the higher the tree grows, the greater the danger, if it is not deeply rooted.—L. H. Hough in *The Christian Criticism of Life*, page 220.



People who think meanly or diffidently of themselves are simply those who cannot get away from themselves. They hesitate to express an opinion, not because they are humble, but because they are afraid they may not be able to sustain it. They do not respond to a call because they are afraid they may not be able to do themselves justice. They want to be liked and they fear to be blamed. In fact, they are thinking of themselves all the time. Such people are not truly humble; they are vain with a vanity that is very susceptible to being touched on the raw. The truly humble is a man of a quite different sort. He is one who can make his influence felt for righteousness and truth because he is thinking of righteousness and truth and not of himself.—F. C. Bryan in *Concerning the Way*, page 87.