

moral and ethical duty and *responsibility*. The Second Vatican Council explicitly formulated this responsibility when it dealt with human dignity. The main document in this respect is *Dignitatis Humanæ: Declaration on the Right of the Person and of Communities to Social and Civil Freedom in Matters Religious* (DH, 1965). According to this document, the other side of religious freedom in this setting is the common human responsibility to seek and search for the truth ceaselessly and without sparing any effort – especially since people have reason, they have conscience, and moreover they have free will.

The *Nairobi Statement* of the WCC from the year 1975 completes this picture, adding that people also have a common human responsibility to serve the whole community that they are members of and that they belong to either by blood, by history, by culture or by their own personal decision. In summary, we can say here that the ecumenical progress achieved thus far has been somewhat jeopardised by the freedom that was finally reached after the collapse of communist dictatorship. According to some insights, its ultimate result has been the “weakening of all three factors: ecumenism, evangelisation of the unchurched, and religious liberty”.<sup>60</sup>

Holger LAHAYNE

# Law and Responsibility from a Reformed Perspective

*The rule of law is one of the cornerstones of a democratic society. If the law is not king, which means above those in government, there may be fair elections, but we do not have democracy in the truest sense. There is a broad consensus that laws are important and must be honoured. In this regard, people mostly think about the positive law of a state, passed by parliaments.*

*But what about the moral law, the law of God? Are we as citizens under the law of God? This is quite a controversial question, and usually this is denied, even by many Christians. Who are we that we dare to impose our moral thinking on other, non-believing, people? Is the moral law still valid, and for whom?*

## I. Law

First of all, we have to keep in mind an important distinction. The *Second Helvetic Confession* says: “For the sake of clarity we distinguish the *moral law*, which is contained in the Decalogue or two Tablets and expounded in the books of Moses; the *ceremonial law*, which determines the ceremonies and worship of God; and the *judicial law*, which is concerned with political and domestic matters.”<sup>1</sup>

The ceremonial and judicial law are not binding anymore, but the moral law still exists. Concerning this, the confession confirms: “We teach that the will of God is explained for us in the law of God, what God wills or does not will us to do, what is good and just, or what is evil and unjust.”<sup>2</sup> The moral law defines what is good, evil, just or moral. The *Westminster Confession* calls it, therefore, a “perfect rule of righteousness”.<sup>3</sup> There is a broad Biblical foundation for this claim, because the eternity of God’s moral law is confirmed many times.<sup>4</sup>

Especially the Calvinist-Reformed tradition emphasises that this

<sup>60</sup> MOJZES Paul, *Ecumenism, Evangelism, and Religious Liberty*. Religion in Eastern Europe 1996/2. 4. [http://www.georgefox.edu/academics/undergrad/departments/soc-swk/ree/Mojzes\\_Ecumenism\\_April%201996.pdf](http://www.georgefox.edu/academics/undergrad/departments/soc-swk/ree/Mojzes_Ecumenism_April%201996.pdf).

<sup>1</sup> *Second Helvetic Confession*. XII,1.

<sup>2</sup> *Second Helvetic Confession*. XII,2

<sup>3</sup> *Westminster Confession*. 19,2.

<sup>4</sup> See for example Ps 19,9–10; 105,8; 111,7–8; 119,98.111–112.142.144.151–125.160; Isa 30,8–9; Mt 5,18; Lk 16,17.

law is for every human being on Earth. God's law is universal, because it has its foundation in the character of the Creator: "God's commands are God's propositional statements about God's character. They are not arbitrary. God has a character, and God's character is the law of the Universe."<sup>5</sup> If everything is made by God, then everything belongs to God and is used rightly only when it is used in accordance with God's will:

"Because God is the Creator and absolute Possessor of all people", God is the "moral Governor of all moral agents". And "if the glory of God is the chief end of every people, it must be the chief end equally of all nations and communities of people".<sup>6</sup> The "moral law doth forever bind *all*, justified persons as well as others, to the obedience thereof".<sup>7</sup> "God is the only legislator. Earthly rulers and legislative bodies are alike accountable to God from Whom stems all obligation – religious, ethical and civil."<sup>8</sup>

We could quote numerous verses from the Old and New Testament to prove this doctrine: "Fear God and keep God's commandments, for this is the whole duty of [every] people."<sup>9</sup> Often it is not directly stated, but implicit. God is the "judge of all the Earth",<sup>10</sup> and God's moral law suits every nation: "The law will go out from me; my justice will become a light to the nations."<sup>11</sup> Every nation is under the obligation to obey God: "For the nation or kingdom that will not serve you will perish; it will be utterly ruined."<sup>12</sup> Or even more strictly: "If a country sins against me by being unfaithful, I stretch out my hand against it."<sup>13</sup>

"Righteousness exalts a nation, but sin is disgrace to any people."<sup>14</sup> Not any righteousness, not any understanding of sin, but according to God's standard and God's definition: "The ethics of the Old Testament is universal and proclaims the same standard of justice for all nations of the Earth as for Israel. The authors never assumed that the law, justice or the good they received as truth was to be applied or valid in a certain corner or reserved for Israel alone."<sup>15</sup>

If we do not keep in mind these principles, it is hard to make real sense of many Old Testament stories. Why was NEBUCHADNEZ-

ZAR punished so strictly? He was proud of his "mighty power"<sup>16</sup> and did not want to acknowledge that the "Most High is sovereign over the kingdoms of the Earth and gives them to anyone God wishes".<sup>17</sup> "Heaven rules" – this he had to accept wholeheartedly. Daniel admonishes him: "Renounce your sins by doing what is right, and your wickedness by being kind to the oppressed."<sup>18</sup>

The same was said to the kings of Israel and Judah, and the same is required from everyone: "to act justly and to love mercy and to walk humbly with your God".<sup>19</sup> The basic moral standards are the same everywhere, because God is the same. Even now the Church must proclaim God's standard of justice: "The message of salvation implies also a message of judgment upon every form of alienation, oppression and discrimination, and we should not be afraid to denounce evil and injustice wherever they exist."<sup>20</sup>

At this point many will refer to the separation of Church and state: any kind of Christian or religious law as a basis for positive law violates this principle, it is often said. According to this view, religious convictions have their place in private, but not in the public realm. Believers are, meanwhile, in many societies a minority, it is added; so this minority must not impose its thinking on the rest.

For the first time the separation of Church and state was clearly formulated in the First Amendment to the United States Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," the text begins. The amendment prohibits the establishment of a national religion by Congress or the preference of one religion over another. Thomas JEFFERSON called this in a letter of 1802 a "wall of separation" between Church and state.

The evangelical Christians who helped to shape this 'doctrine' wished to deny government the right to interfere in the Church. But they never had in mind a society free from all responsibility *to God*. It is often forgotten that the separation itself has its roots in the Bible – Church and worldly authority are different kinds of government and authority.

As we saw, the king (or the state) is not, as in most ancient empires, the mediator of salvation. Salvation is the Church's business. The king in Israel was not in charge of the priest and was not himself acting as a priest. When a king nevertheless did the job of a priest, as did UZZIAH, king of Judah, he was harshly criticized: High Priest AZARIAH and other priests "confronted him and said: 'It is not right for you, UZZIAH, to

5 *Joshua and the Flow of Biblical History*.

6 HODGE A. A., *Evangelical Theology*.

7 *Westminster Confession*. 19,5.

8 HENRY Carl F. H., *Twilight of a Great Civilization*.

9 *Ecc.* 12,13.

10 *Gen.* 18,25.

11 *Isa.* 51,4.

12 *Isa.* 60,12.

13 *Ez.* 14,13.

14 *Pr.* 14,34.

15 KAISER Walter C., *Toward Old Testament Ethics*.

16 *Dan.* 4,28.

17 *Dan.* 4,25.

18 *Dan.* 4,27.

19 *Mic.* 6,8.

20 *Lausanne Covenant*. 5.

burn incense to the Lord. That is for the priests, the descendants of AARON. [...] Leave the sanctuary, for you have been unfaithful.’”<sup>21</sup>

We have many further examples for this consistent distinction: MOSES, the lawgiver, and AARON, the high priest; NEHEMIAH, the governor, and EZRA, the priest; the double administration;<sup>22</sup> two kinds of taxes (the tithe for God, and the taxes for the king); two kinds of anointing;<sup>23</sup> two central buildings (the “House of the Lord”, the temple, and “the house of the king”, the royal palace).<sup>24</sup> In the New Testament Jesus Christ says: “Give to Cæsar what is Cæsar’s and to God what is God’s.”<sup>25</sup>

The ancients, in contrast, saw the state as inseparable from religion. The Greek and Roman gods were worshiped mainly as defenders of empire, nation or city. Politics was deeply intermingled with religion. Before every important affair of state, the Romans sought the will of the gods. Most important was the orderly offering of sacrifices; this became a symbol of one’s respect for the state and appreciation for tradition (not a sign of one’s personal belief). AUGUSTUS himself led a restoration of religion, building 82 temples in Rome alone. He (and his successors) assumed the post of high priest (*pontifex maximus*). In 12 BC a temple to the goddess VESTA was consecrated in the royal palace. The Vesta rites were central in Rome, so that the religious centre of the Empire was the domicile of AUGUSTUS.

Thus, the very notion of the secular originated in Christianity: “The most truly Christian state understands itself most thoroughly as secular,” and “the corresponding term to ‘secular’ is not ‘sacred’, nor ‘spiritual’, but ‘eternal’.”<sup>26</sup> The state is not eternal, Rome is not eternal, there will be a time when all nations and monarchs and government will disappear – but not so the kingdom of God. And the (invisible) Church is eternal.

A. KUYPER supported this separation; he denied the state the right to interfere (too much) in the area of education. He founded the *Free University* in Amsterdam – free from state intervention. But he also wholeheartedly denied that this kind of healthy separation implies total emancipation from God. Society has to be free from the dominion of any single church, yet still under God. In his *Stone Lecture*, he says: “Both Church and state must, each in their own sphere, obey God and serve God’s honour.”

There are two kingdoms, the “kingdom of the preached Word”

21 2Chr. 26,18.

22 2Chr 19,11; 19,8.

23 1Chr. 29,22.

24 2Chr. 7,11.

25 Mk. 12,17.

26 O'DONOVAN O., *The Desire of the Nations*.



and the “kingdom of the sword”. These must never be mixed, but they also must not be torn apart. “The Lord of both kingdoms is God, revealed in Jesus Christ. God rules the world through the office of the Word and through the office of the sword. The office-bearers are answerable to him.”<sup>27</sup>

Very often even Christians add that the state must be neutral; the state must not show any favour to God or make obviously religious statements. This is, though, quite naïve. Every law is based on some kind of morality and convictions of right and wrong. Where do these come from? We all base our decisions on foundational worldviews. This applies to the realm of the state and law, as well: “Every state in the world must have, and has had, a religion of some kind.”<sup>28</sup> There is no morally neutral law.

“The mythology of modern liberalism has been that it merely establishes a set of background rules that are themselves somehow devoid of moral content – and morality is the decision that we make about how to live our own lives against those rules. [...] Practically all laws, whether they forbid me to take your car, outlaw racial discrimination, or coerce the payment of taxes, impose somebody’s morality on somebody else. Every law either prevents me from doing something or forces me to do something. The understandable American tendency is to pretend otherwise, as though laws against car theft are without moral content, whereas laws on abortion are dripping in moral judgment.”<sup>29</sup>

“In the guise of advocating ‘neutrality’, secular humanists have replaced our nation’s set of operating principles, which derive from the Judeo-Christian tradition, with another set of principles: these commit the United States to a materialistic view of truth, and have effectively established *secular humanism* as the only national religion.”<sup>30</sup>

The moral law of God is not law for the Christians alone or law to be proclaimed inside church walls: “The Church does not have two kinds of law at her disposal, one for the world and one for the Christian community, but her law is the one Law of God, revealed in Jesus Christ, which she has to proclaim to the whole world.”<sup>31</sup>

It is very interesting that some atheist thinkers more deeply understand the big *either-or* in questions of morality and also law: “When the throne of God is overturned, the rebel realizes that it is

now his own responsibility to create the justice, order, and unity that he sought in vain within his own condition, and in this way to justify the fall of God.”<sup>32</sup>

“There is master-morality and slave-morality. [...] The noble type of person regards oneself as a determiner of values; one does not require approval; one passes judgment: ‘What is injurious to me is injurious in itself; one knows that it is oneself only who confers honour on things; one is a creator of values. [...] It is otherwise with the second type of morality, slave-morality.’”<sup>33</sup>

Either we bow to the law of God, or we are forced to create our own morality. But this, then, will be a morality in our interest, for our benefit. And it will finally be, as Friedrich NIETZSCHE foresaw and advocated, the right of the strongest – not necessarily the right of the strongest individual, but perhaps the right of the strongest, most powerful, most influential group in society. We will be free from God or Christian values, but who will suffer in the end? The weak. It is not by chance that the protection of the weak is one of the main thrusts of Old Testament law.<sup>34</sup> God’s law is good for us because it was ‘drafted’ by the Creator of the world.

## II. Responsibility

We have already seen that government and state exist for a certain purpose: “The political doctrine that emerged from Christianity is characterized by a notion that government is responsible. Rulers, overcome by Jesus Christ’s victory, exist provisionally and on sufferance for specific purposes.”<sup>35</sup> The ruler is “God’s servant to do you good.”<sup>36</sup> God “hath ordained civil magistrates to be under God over the people, for God’s own glory and the public good.”<sup>37</sup>

It is the responsibility of the state to do good for its citizens, not evil. Eventually, worldly authority exists to restrain evil, not to further it: a “well-regulated commonwealth” is one in which the “various orders of judges and senators, soldiers, captains, artisans and doctors [ministers in the church] aid each other by their mutual relationships and join together to *promote the general welfare of all the people*.”<sup>38</sup>

In the last chapter of the institutes, the reformer writes in more detail what this general welfare comprises: “That the public quiet be not disturbed, that every person’s property be kept secure, that peo-

27 Dietrich BONHOEFFER, *Ethik*.

28 HODGE A. A., *Evangelical Theology*.

29 Stephen CARTER, quoted in RAMACHANDRA V., *Subverting*.

30 SCHAEFFER Frank, *A Time for Anger*.

31 Dietrich BONHOEFFER, *Ethik*.

32 CAMUS Albert, *The Rebel*.

33 NIETZSCHE Friedrich, *Beyond Good and Evil*.

34 Dt 10,18–19; 14,28–15,2; 24,14–15; 24,17–21; 25,13–16; Pr 29,7; 31,8–9; Ps 82,3–4.

35 O’DONOVAN O., *The Desire of the Nations*.

36 Rom 13,4.

37 *Westminster Confession*. 28,1.

38 CALVIN Jean, *Comm. Is. 3,2*.

ple may carry on innocent commerce with each other, that honesty and modesty be cultivated; in short, that a public form of religion may exist among Christians, and humanity among people.”<sup>39</sup>

“Humanity among people” – this has to be preserved. But being conscious of one’s responsibilities and duties does not come from nowhere and cannot be taken for granted, since we are all sinners and tend to work for our own interest. Rulers must not forget that they are responsible to God, and only this will finally be effective.

Concerning rulers, CALVIN writes that they may be “animated to duty when they hear that they are the ambassadors of God, to whom they must one day render an account of the province committed to them. This admonition ought justly to have the greatest effect upon them; for if they sin in any respect, not only is injury done to the people whom they wickedly torment, but they also insult God, Whose sacred tribunals they pollute.”<sup>40</sup>

“Conscious of their responsibility before God and people”, as the first words of the preamble of the Basic Law (Constitution) for the Federal Republic of Germany say. They reflect the Christian worldview of the authors and framers of the post-war Constitution. The Constitution for Europe says in its preamble that the Union’s aim is to work for the “good of all its inhabitants, including the weakest and most deprived”, but unfortunately, it only refers to the “cultural, religious and humanist inheritance of Europe” and consciously not to God.

Rulers are responsible; that is why the highest civil servants are servants or called ministers, because they have to serve us, the citizens. It is not us, the people, who have to serve them. They are not gods and not god-like: “Even those who rule serve those whom they seem to command; for they rule not from a love of power, but from a sense of the duty they owe to others – not because they are proud of authority, but because they love mercy.”<sup>41</sup>

We usually take all this for granted, but historically this is not natural. In Mel GIBSON’s film *Apocalypto*, the Mayan rulers were interested in many things, but not in the welfare of the people they manipulated, of whom they made fun and whom they even killed for sacrifices.

But what is the welfare of the people? Is it peace and abundance, pleasure and satisfaction? It is of great importance under what kind of God we see ourselves. Christians confess a good God who loves

justice. The “worshippers and admirers” of pagan gods “delight in imitating their scandalous iniquities” with the result that they “are no-wise concerned that the republic be less depraved and licentious”.<sup>42</sup> It is not enough to care for some kind of well-being; we need welfare combined with justice: “Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms?”<sup>43</sup> And this is guaranteed only by a just God.

AUGUSTINE captures very well the mood in a society where the rulers and the people have forgotten the true God, where the common good has turned into something purely hedonistic, materialistic, egoistic – a distortion of true welfare and, by the way, words that could be repeated today:

Let the state “remain undefeated, they say, only let it flourish and abound in resources; let it be glorious by its victories, or still better, secure in peace; and what matters it to us? This is our concern, that every person be able to increase one’s wealth so as to supply one’s daily prodigalities, and so that the powerful may subject the weak for their own purposes. Let the poor court the rich for a living, that under their protection they may enjoy a sluggish tranquillity; and let the rich abuse the poor as their dependants, to minister to their pride. Let the people applaud not those who protect their interests, but those who provide them with pleasure. Let no severe duty be commanded, no impurity forbidden. Let kings estimate their prosperity, not by the righteousness, but by the servility of their subjects.”<sup>44</sup>

At this point I want to mention three concrete responsibilities for rulers, which are grounded in the Bible. First, there must be a public commitment to *truth-seeking* and *truthful speech* on the part of any political authority. This is of utmost importance: political language is “designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind. [...] Thus political language has to consist largely of euphemism, question-begging and sheer cloudy vagueness.”<sup>45</sup>

Second, we need *public deliberation, debates and discussions over the common good*. Especially the parliament should be this public forum, before which the government has to explain itself and expose itself to critical interrogation. Openness to critique and advice is, as we saw, very important for democracy:

“Any voice within the public realm which could address the community about the common good had to be heard, lest the voice of

39 CALVIN Jean, *Institutes of the Christian Religion*. IV,20,3.

40 CALVIN Jean, *Institutes of the Christian Religion*. IV,20,6.

41 AUGUSTINE, *Confessions*. XIX,14.

42 AUGUSTINE, *The City of God*. II,20.

43 AUGUSTINE, *The City of God*. IV,4.

44 AUGUSTINE, *The City of God*. II,20

45 ORWELL George, *Politics and the English Language*. London, 1946.

true prophecy should go unheard. This is one element in what we have come to describe in the West as democracy: a civil society in which one person's voice may be heard to the same extent as another's, where responsibilities are not so structured and assigned that deliberation about the public good is confined to a particular class of deliberators. It rejects the classical thesis, common to PLATO and ARISTOTLE, that the rationality of a society belongs to a special ruling class within it."<sup>46</sup>

Third, we have to remember the close *connection between authority/power and work/responsibility*. The principle is simple: the more authority, the more work and burden. This has become part of our political heritage, so that we usually, again, take it somehow for granted. Of course, we think, the prime minister has to work hard for us. But historically it was mostly the other way round: those in power could free themselves from too much work and let the common people work *for them*.

The authority-work connection is rooted in the Bible and ultimately in God. The Lord has absolute authority, but God is also a most diligent being.<sup>47</sup> Human beings have authority over the rest of creation, but that does entail work – cultivating, heeding and protecting. The mandate of subduing the Earth does not mean exploiting it, but caring for it. The same can be said about the Church and the family (leading a congregation means hard work).

What, in this context, is the task of the Church and the Christians? Believers are called to positive engagement, on the one side. God says to the Jews in Babylon: "Seek the peace and prosperity of the city to which I have carried you into exile. Pray to the Lord for it."<sup>48</sup> But then we read very strict words of judgment on the same city.<sup>49</sup> The Church has to be a prophetic voice to a nation, and they may, at least sometimes, be very 'deconstructive':

"If it is true that the Church is called to announce to the world that Jesus Christ is Lord, then there will be times when the world will find this distinctly uncomfortable. The powers that be will need reminding of their responsibility, more often perhaps as the Western world moves more and more into its post-Christian phase, where even when churchgoing remains strong, it is mixed with a variety of idolatries too large to be noticed by those who hold them, and where human rulers are more likely to acknowledge the rule of this or that 'force' than the rule of the Creator. And if the Church attempts this task of reminding,

of calling the powers to account for their stewardship, it will face the same charges, and perhaps the same fate, as its Lord."<sup>50</sup>

Christians have to be willing to risk a lot, to be ridiculed, laughed at and marginalised. They will only persevere because of a deep sense of duty and faith. William WILBERFORCE, for decades a member of the British House of Commons, fought for twenty years against the slave trade (until it was abolished in 1807). The key to understanding the complexity of WILBERFORCE and his work is his overriding sense of duty to God. "God Almighty has set before me two great objects, the suppression of the slave trade and the reformation of manners," the parliamentarian said.

In one of his great speeches in the House, he proclaimed: "Whatever they might do, the people of Great Britain, I am confident, will abolish the slave trade. [...] For myself, I am engaged in a work I will never abandon. [...] Let us persevere, and our triumph will be complete. Never, never will we desist, until we have wiped away his scandal from the Christian name, released ourselves from the load of guilt, under which we at present labour."<sup>51</sup>

WILBERFORCE was driven by a Calvinistic sense of duty to the great God. Jean CALVIN himself (and Martin LUTHER, of course) was an admirer of AUGUSTINE, whom he often quotes and who was probably the most influential of the Church fathers for his thinking. Let us finish with a brilliant quote about the exemplary Christian ruler:

"For neither do we say that certain Christian emperors were therefore happy because they ruled a long time, or dying a peaceful death (...) But we say that they are happy if they *rule justly*; if they are not lifted up amid the praises of those who pay them sublime honours, and the obsequiousness of those who salute them with an excessive humility, but remember that they are human; if they make their power the handmaid of God's majesty by using it for the greatest possible extension of God's worship; if they fear, love, worship God; if more than their own they love that kingdom in which they are not afraid to have partners; (...) if their luxury is as much restrained as it might have been unrestrained; if they prefer to govern depraved desires rather than any nation whatever; and if they do all these things, not through ardent desire of empty glory, but through love of eternal felicity, not neglecting to offer to the true God, Who is their God, for their sins, the sacrifices of humility, contrition and prayer. Such Christian emperors, we say, are happy in the present time by hope, and are destined to be so in the enjoyment of the reality itself, when that which we wait for shall have arrived."<sup>52</sup>

46 O'DONOVAN O., *The Desire of the Nations*.

47 Ps. 121,4.

48 Jer. 29,7.

49 Jer. 50–51.

50 WRIGHT N. T., *The New Testament and the 'State'*.

51 Quoted in TOMKINS Stephen, *William Wilberforce: A Biography*. 95.

52 AUGUSTINE, *The City of God*. V,24.