The Federalist Papers

Kerby Anderson takes through a summary of the Federalist Papers as seen from a biblical worldview perspective. Does a Christian view of man and government undergird these foundational documents? Kerby considers this question.

Introduction



The Federalist Papers are a collection of eighty-five essays written by James Madison, Alexander Hamilton, and John Jay between October 1787 and May 1788. They were written at the time to convince New York State to ratify the U.S. Constitution.

They are perhaps the most famous newspaper columns ever written, and today constitute one of the most important documents of America's founding period. They provide the justification for the Constitution and address some of the most important political issues associated with popular self-government.

Clinton Rossiter says that "*The Federalist* is the most important work in political science that has ever been written, or is likely ever to be written, in the United States. . . . It would not be stretching the truth more than a few inches to say that *The Federalist* stands third only to the Declaration of Independence and the Constitution itself among all the sacred writings of American political history."{1} Jacob Cooke agrees. He believes that "The United States has produced three historic documents of major importance: The Declaration of Independence, the Constitution, and *The Federalist*." {2}

All the essays were signed "Publius" even though they were written by three different authors (Hamilton wrote fifty-two, Madison wrote twenty-eight, and Jay wrote five). Political

leaders in New York opposed the new government because the state had become an independent nation under the Articles of Confederation and was becoming rich through tariffs on trade with other states. When it became apparent that New York would not ratify the Constitution, Alexander Hamilton enlisted the aid of James Madison (who was available because the Continental Congress was sitting in New York) and John Jay. Unfortunately, Jay was injured and was only able to complete a few essays.

There are many reasons for the importance of *The Federalist Papers*. First, the authors were significant figures during the founding era. James Madison is considered the architect of the Constitution and later served as President of the United States. Alexander Hamilton served in George Washington's cabinet and was a major force in setting U.S. economic policy. John Jay became the first Chief Justice of the U.S. Supreme Court. Each of these men was present at the constitutional convention and was respected by their peers.

Second, *The Federalist Papers* provide the most systematic and comprehensive analysis of the constitution. Not only do the authors explain the structure of the constitution, but they also defend their decisions against the critics of their day. They were, after all, writing to convince New York to ratify the constitution.

Third, *The Federalist Papers* explain the motives of the Founding Fathers. Often when Supreme Court justices are trying to discern the founder's intentions, they appeal to these writings.{3} *The Federalist Papers* are the most important interpretative source of constitutional interpretation and give important insight into the framers' intent and purpose for the Constitution.

Human Nature

The writers of *The Federalist Papers* were concerned about the relationship between popular government and human nature. They were well aware that human beings have the propensity to pursue short-term self-interest often at the expense of long-term benefits. The writers were also concerned that factions that formed around these areas of immediate self-interest could ultimately destroy the moral foundations of civil government.

James Madison argued in *Federalist Paper #51* that government must be based upon a realistic view of human nature:

> But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.{4}

The writers of *The Federalist Papers* certainly believed that there was a positive aspect to human nature. They often talk about reason, virtue, and morality. But they also recognized there was a negative aspect to human nature. They believed that framing a republic required a balance of power that liberates human dignity and rationality and controls human sin and depravity.

As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form.{5}

As we will discuss in more detail later, James Madison concluded from his study of governments that they were destroyed by factions. He believed this factionalism was due to "the propensity of mankind, to fall into mutual animosities" (*Federalist Paper #10*) which he believed were "sown in the nature of man." Constitutional scholars have concluded that "the fallen nature of man influenced Madison's view of law and government."{6} He therefore concluded that government must be based upon a more realistic view which also accounts for this sinful side of human nature.

A Christian view of government is based upon a balanced view of human nature. It recognizes both human dignity (we are created in God's image) and human depravity (we are sinful individuals). Because both grace and sin operate in government, we should neither be too optimistic nor too pessimistic. We should view governmental affairs with a deep sense of biblical realism.

Factions and the Republic

The writers of *The Federalist Papers* were concerned about the previous history of republics. Alexander Hamilton writes that "the history of the petty republics of Greece and Italy" can only evoke "horror and disgust" since they rocked back and forth from "the extremes of tyranny and anarchy."

James Madison focused on the problem of factions. "By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of the citizens, or to the permanent and aggregate interests of the community."{7}

Madison believed there were only two ways to cure the problem of factions: remove the causes or control the effects. He quickly dismisses the first since it would either destroy

liberty or require everyone to have “the same opinions, the same passions, and the same interests.”

He further acknowledges that “causes of faction are thus sown in the nature of man.” So he rejects the idea of changing human nature. And he also rejects the idea that a political leader will be able to deal with the problem of factions: “It is vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm.”{8}

Madison believed the solution could be found in the extended republic that the framers created. While a small republic might be shattered by factions, the larger number of representatives that would be chosen would “guard against the cabals of a few.”

Also, since “each representative will be chosen by a greater number of citizens, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried.” Also, the voters are “more likely to center on men who possess the most attractive merit and the most diffusive and established characters.”{9}

Madison also believed that this extended republic would minimize the possibility of one faction pushing forward it agenda to the exclusion of others. This was due to the “greater number of citizens and extent of territory.” A smaller society would most likely have fewer distinct parties. But if you extend the sphere, you increase the variety and interests of the parties. And it is less likely any one faction could dominate the political arena.

Madison realized the futility of trying to remove passions or human sinfulness, and instead designed a system that minimized the influence of factions and still provided the greatest amount of liberty for its citizens.

Separation of Powers

The writers of *The Federalist Papers* were concerned with the potential abuse of power, and set forth their rationale for separating the powers of the various branches of government. James Madison summarizes their fear of the centralization of political power in a famous quote in *Federalist Paper* #47.

> No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty, than that on which the objection is founded. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.{10}

Madison quickly dismisses the idea that constitutional provisions alone will prevent an abuse of political power. He argues that mere "parchment barriers" are not adequate "against the encroaching spirit of power."{11}

He also believed that the legislature posed the greatest threat to the separation of powers. "The legislative department is everywhere extending the sphere of its activity and drawing all power into its impetuous vortex."{12} The framers therefore divided Congress into a bicameral legislature and hoped that the Senate would play a role in checking the passions of popular majorities (*Federalist Paper* #63).

His solution was to give each branch separate but rival powers. This prevented the possibility of concentrating power into the hands of a few. Each branch had certain checks over the other branches so there was a distribution and balance of power.

The effect of this system was to allow ambition and power to control itself. Each branch is given power, and as ambitious

men and women seek to extend their sphere of influence, they provide a check on the other branch.

Madison said, “Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government.”{13} This policy of supplying “opposite and rival interests” has been known as the concept of countervailing ambitions.

In addition to this, the people were given certain means of redress. Elections and an amendment process have kept power from being concentrated in the hands of governmental officials. Each of these checks was motivated by a healthy fear of human nature. The founders believed in human responsibility and human dignity, but they did not trust human nature too much. Their solution was to separate powers and invest each branch with rival powers.

Limited Government

The writers of *The Federalist Papers* realized the futility of trying to remove passions and ambition from the population. They instead divided power and allowed “ambition to counteract ambition.” By separating various institutional power structures, they limited the expansion of power.

This not only included a horizontal distribution of powers (separation of powers), but also a vertical distribution of powers (federalism). The federal government was delegated certain powers while the rest of the powers were reserved to the states and the people.

James Madison rightly called this new government a republic which he defined as “a government which derives all its powers directly or indirectly from the great body of people, and is administered by persons holding their offices during pleasure

for a limited period, or during good behavior."{14}

He also argued that "the proposed government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several states a residuary and inviolable sovereignty over all other objects."{15}

Governmental power was limited by the Constitution and its interpretation was delegated to the judicial branch. As Alexander Hamilton explained, the Constitution was to be the supreme law of the land.

A constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.{16}

Although Hamilton referred to the judiciary as the weakest of the three branches of government, some of the critics of the Constitution warned that the Supreme Court "would be exalted above all power in the government, and subject to no control."{17} Unfortunately, that assessment certain has proved correct over the last few decades.

The Federalist Papers provide an overview of the political theory that undergirds the U.S. Constitution and provide important insight into the intentions of the framers in constructing a new government. As we have also seen, it shows us where the current governmental structure strays from the original intent of the framers.

The framers fashioned a government that was based upon a realistic view of human nature. The success of this government

in large part is due to separating power structures because of their desire to limit the impact of human sinfulness.

Notes

1. Clinton Rossiter, *The Federalist Papers* (New York: New American Library, 1961), vii.
2. Jacob E. Cooke, *The Federalist* (Middletown, CT: Wesleyan University Press, 1961), ix.
3. James G. Wilson, "The Most Sacred Text: The Supreme Court's Use of The Federalist Papers," *Brigham Young University Law Review* I (1985).
4. James Madison, *Federalist Papers,* #51 (New York: New American Library, 1961), 322.
5. Madison, *Federalist Papers* #55, 346.
6. John Eidsmoe, *Christianity and the Constitution* (Grand Rapids, MI: Baker Books, 1987), 101.
7. Madison, *The Federalist Papers,* #10, 78.
8. Ibid., 80.
9. Ibid., 82-3.
10. Madison, *The Federalist Papers,* #47, 301.
11. Madison, *The Federalist Papers,* #48, 308.
12. Ibid., 309.
13. Madison, *The Federalist Papers*, #51, 322.
14. Madison, *The Federalist Papers,* #39, 241.
15. Ibid, 245.
16. Alexander Hamilton, *The Federalist Papers,* #78, 467.
17 Herbert Storing and Murray Day, eds. *The Complete Anti-Federalist* (University of Chicago Press, 1981) II, 420.

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The Roots of Freedom

What is freedom? What are the roots of freedom? Kerby Anderson looks at the Christian roots of freedom along with the writings of the key writers in the Western tradition.



What is freedom? What are the roots of freedom? Answering these questions is not as easy as it may seem. They require some thought and reflection, which for most of us, is a precious commodity.

Fortunately, some of the hard work has been done for us by professor John Danford in his book *Roots of Freedom: A Primer on Modern Liberty*. The material in this book was originally material that was broadcast on Radio Free Europe and Radio Liberty in the late 1980s. Only later did some suggest that the material should be published so that citizens in a free society could also benefit by his work in describing the roots of freedom.

So how does John Danford describe a free society?

> *People would surely differ, but what is meant here is a society in which human beings are not "born into" a place—a caste or an occupation, for example—but are free to own property, to raise children, to earn a living, to think, to worship, to express political views, and even to emigrate if desired, and to do so without seeking permission from a master.{1}*

Obviously we all have some constraints on us, but human freedom in a free society would certainly involve the freedom to be able to do the things mentioned above.

Once we define a free society, we can easily see something very disturbing. "Free societies have been rare in human history. They also seem to be fragile—more fragile than were

the dynasties or empires of the ancient world."{2}

In the past, freedom was rare often because of economic necessity. There is little or no freedom for a person who must work every waking hour just to survive. In the ancient world, a free man was free because another was enslaved. A free man was free because he did not need to work for a living.

By the end of the eighteenth century, economic necessity ceased to be the main obstacle to freedom in many places. Yet there were still very few free societies, because political power was often concentrated in the hands of a king or dictator (or perhaps in the hands of a few in the ruling class).

Today we have few kings, but we still have many dictators. Free societies also still somewhat rare today. Consider that there are nearly 200 countries in the United Nations, and yet it is probably fair to say that fewer than 50 could truly be called free societies (with functioning democracies).

If nothing else, this study of the roots of freedom should make us thankful we live in a free country. Free societies are rare in history, and they are still somewhat rare today. We should never take for granted the political and economic freedom we enjoy.

Christian Roots

Danford discusses the roots of liberty in his chapter on "Premodern Christianity." Although we take many of these assumptions (borrowed from Christianity) as basic and obvious, they are important contributions that provide the foundation for the political freedom we enjoy today.

The first contribution from Christianity was its teaching about the value of the individual. In the Greek and Roman empires, the individual counted for little. "A particular

individual was of no consequence when measured against the glory and stability of the empire."{3}

Jesus and his followers taught men and women to think of themselves as significant in the eyes of God. This foundational principle of the dignity and sanctity of human beings was in stark contrast to the prevailing ideas of the day.

Another aspect of this principle was the belief that God was not just the god of a city, or a tribe, or even a nation. The God of the Bible is God over all human beings and savior of all individuals. The belief in the universality of God along with the emphasis on the individual provided an important foundation for liberty because it was "incompatible with the ancient tendency to subordinate the individual entirely to the state or empire."{4}

A second contribution of Christianity involves the linear idea of history. Ancient writers "understood the passage of time in terms of the seasonal rhythms of the natural world."{5} Christianity brought a different perspective by teaching that history is linear. The story of the Bible is the story, after all, of the beginning of the world, human sinfulness, Christ coming to the world, and the eventual culmination of history.

The concept of linear history leads to the idea that circumstances can change over time. If the change is progressive, then over the course of human history there can be progress. "The notion of progress is itself a modern idea, but its roots can be discerned in the Christian doctrine that God enters historical time to save mankind."{6}

A third contribution of Christianity is the principle of the separation of faith from the political realm. Today this is referred to as the separation of church and state.{7} Such an idea was unthinkable in the ancient world. In those cultures, kings and priests were closely connected.

When Jesus was asked by the Pharisees if it was lawful to pay the poll tax (Matt. 22:15-21), He responded by telling them "render to Caesar the things that are Caesar's, and to God the things that are God's." Although it would be many centuries before the full implications of this doctrine were clear, the seeds of spiritual freedom can be found in this Christian teaching.

The fourth contribution of Christianity is the belief in objective truth. While it is true that other philosophers spoke of truth, a Christian perspective on truth is nevertheless an important, additional contribution.

For example, if there is no truth, then "there is no such thing as a just or proper foundation for political rule: whoever gets the power is by definition able to determine what is just or unjust, right or wrong."{8}

In our postmodern world that rejects the idea of objective or absolute truth, all history is merely the history of class struggle. "There is no escape from the endless quest for power, and no space, protected by walls of justice, where genuine freedom can be experienced."{9}

This nation was founded on the principle (as articulated in the Declaration of Independence) that there are self-evident truths. As Jesus taught his disciples, "you shall know the truth and the truth shall make you free" (John 8:32).

Thomas Hobbes

Thomas Hobbes was born in England in 1588, and was educated at Oxford in the early 1600s. He was influenced by such men as Francis Bacon (serving as Bacon's secretary for a time) as well as events of the sixteenth and seventeenth centuries. A principal influence was the religious war and conflict of the time (e.g., the Thirty Years War, conflicts in England between Anglicans and Puritans). "Hobbes's two great preoccupations

[were]: peace as a goal of the civil order, and a new political science as the means to that goal."{10}

He developed five key principles in his political science. The first is that individuals are more fundamental than any social order. To understand humans, he would argue, we must go back to a "state of nature" which would represent the condition human beings would be in if all the conventions and laws of political society were removed.

Hobbes also argued that humans are equal politically. "No one can be viewed as politically superior, because every human being is vulnerable to violent death at the hands of his fellows."{11} The natural condition of mankind, he says, is "solitary, poor, nasty, brutish, and short."{12}

Hobbes therefore argues in his second principle that the natural need for self-preservation is the only true reason people live in political communities. In other words, we live in political communities to satisfy individual needs of human nature such as life and security.

Third, Hobbes argues that because these needs are universal (and scientifically demonstrable), they provide a basis for agreement and a peaceful political order. He argues that we should "be willing, when others are so too, as far-forth as for peace, and defense of himself he shall think it necessary, to lay down this right to all things, and be contented with so much liberty against other men, as he would allow other men against himself."{13}

Fourth, since political society exists for self-preservation, no one can ever give up the right to self-defense. A cardinal principle of a liberal society is that no man can be compelled to confess a crime or to testify against himself in court.

Finally, all legitimate government rests on a contract consented to (at least tacitly) by individuals. Hobbes calls this agreement a "covenant" because it is an open-ended

contract, a promise that must be continually fulfilled in the future.

Hobbes also argued that a sovereign must enforce this covenant because "covenants without the sword are but words."{14} But though he justified a powerful government or sovereign, it was a perspective that was challenged by others like John Locke who believed that even the sovereign must be limited.

John Locke

John Locke was the son of a Puritan who fought with Oliver Cromwell. Though he was not an orthodox Puritan like his father, he was nevertheless a sincere Christian who believed that the Bible was "infallibly true."

Locke argued in his *Two Treatises of Government* that men form societies "for the mutual preservation of their lives, liberties, and estates, which I call by the general name, property."{15} On the one hand, he wrote that material things are not owned by anyone but exist in common for all men. "God, as King David says, (Psalm 115:16) has given the earth to the children of men, given it to mankind in common."{16} But on the other hand, he also acknowledged that we do take possession of things and thus make them our property.

> *He that is nourished by the acorns he picked under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask then, When did they begin to be his? When he digested? Or when he ate? Or when he boiled? Or when he brought them home? Or when he picked them up? And 'tis plain, if the first gathering made them not his, nothing else could. That labor put a distinction between them and common. That added something to them more than nature, the common mother of all, had done; and so they became his private property.{17}*

Locke also argued that land is ultimately worthless until labor it added to it. He even goes on to argue that wealth is almost wholly the product of human labor (he says 999/1000 of the value of things is the result of labor).

He also argued that "Men being, as has been said, by nature, all free, equal and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent."{18} He acknowledged that each man or woman is born free and becomes a member of a commonwealth by agreeing to accepts its protections, but most commonly this is done by what Locke call "tacit consent."

Finally, Locke also focused his concern about the possibility of an oppressive government, so he insisted on the necessity of limiting the sovereign power as much as possible. The legislature cannot "take from any man any part of his property without his own consent."{19}

Locke also insisted on one final limitation of the power of government: the citizenry. He writes, "yet the legislative being only a fiduciary power to act for certain ends, there remains still in the people of supreme power to remove or alter the legislative, when they find the legislative to act contrary to the trust reposed in them."{20}

American Liberty

The ideas of freedom found their way to the American shore as disruptions of the English civil war drove many English subjects to the New World. In their travels, "they took with them as much of the system of English liberty as would survive the Atlantic crossing."{21}

Some of the settlers established civil compacts (or what Locke would later call social contracts). Perhaps the best known is the Mayflower Compact, which was a political covenant binding the pilgrims together into "a civil body politic." Most of

these American settlements involved self-government simply because the powers that originally granted them their charters were thousands of miles away.

America's founding document is the Declaration of Independence. The ideas of John Locke can certainly be found within this document. The Declaration states the principle from Locke that "all men are created equal." It also follows his thinking by stating "That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

All the writers during the founding period (Thomas Jefferson, James Madison, George Washington, John Adams, Benjamin Franklin, Alexander Hamilton) were "deeply learned in English history, political history generally, and the history of political thought back to Aristotle and Plato. References to Cicero, Tacitus, and Plutarch dot their pages, along with frequent allusions to republics as diverse as Venice, Holland, Geneva, Sparta, and Rome."{22}

Alexander Hamilton, writing in *The Federalist Papers*, said that the American people would decide "whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force."{23}

James Madison, in *The Federalist Papers*, addressed two key issues in American government: factions and limiting governmental power. He suggested that the large federal republic made it more difficult for factions to gain power and oppress others.

Limiting the power of government was accomplished by separating power. "Ambition must counteract ambition. The interest of the man must be connected with the constitutional rights of the place."{24} The framers pursued "the policy of

supplying, by opposite and rival interests" to these various branches of government.

As an extra precaution, the framers also divided the legislature (because it was expected to be the most powerful and dangerous branch) into two different houses. They also decided to "render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit."{25}

They further protected individual rights by adding the Bill of Rights. These amendments explicitly deny power to the government to interfere with specific individual freedoms.

As we can see, the rights and freedoms we enjoy today developed over time through Christian influence and key writers in the Western tradition.

Notes

1. John W. Danford, *Roots of Freedom: A Primer on Modern Liberty* (Wilmington, DE: ISI Books, 2000), xiv.
2. Ibid., xiv-xv.
3. Ibid., 13.
4. Ibid., 14.
5. Ibid.
6. Ibid., 15-16.
7. See my article, "The Separation of Church and State" on the Probe Web site at www.probe.org/site/c.fdKEIMNsEoG/b.4218097/k.32BB/Separation_of_Church_and_State.htm.
8. Ibid, 18.
9. Ibid., 20.
10. Ibid., 77.
11. Ibid., 83.
12. Thomas Hobbes, *Leviathan* (Indianapolis: Hackett Publishing, 1994), 76.

13. Ibid, 80.
14. Ibid., 106.
15. John Locke, *Two Treatises of Government,* ed. Peter Laslett (Cambridge: Cambridge University Press, 1960), Second Treatise, Par. 123, 395.
16. Ibid., Par. 25, 327.
17. Ibid., Par 28, 329-330.
18. Ibid., Par. 95, 375.
19. Ibid., Par. 138, 406.
20. Ibid., Par. 149, 413.
21. Danford, 146.
22. Ibid., 149.
23. Alexander Hamilton, *The Federalist Papers* (New York: New American Library, 1961), No. 1, 33.
24. Ibid., No. 51, 322.
25. Ibid.

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Separation of Church and State

Wall of Separation

When Thomas Jefferson first used the phrase "wall of separation," it is certain that he never would have anticipated the controversy that surrounds that term two centuries later. The metaphor has become so powerful that more Americans are more familiar with Jefferson's phrase than with the actual language of the Constitution.{1}

In one sense, the idea of separation of church and state is an

accurate description of what must take place between the two institutions. History is full of examples (e.g., the Inquisition) of the dangers that arise when the institutions of church and state become too intertwined.

But the contemporary concept of separation of church and state goes far beyond the recognition that the two institutions must be separate. The current version of this phrase has come to mean that there should be a complete separation between religion and public life.

At the outset, we should state the obvious: the phrase "separation of church and state" is not in the Constitution. Although that should be an obvious statement, it is amazing how many citizens (including lawyers and politicians) do not know that simple fact.

Since the phrase is not in the Constitution and not even significantly discussed by the framers (e.g., *The Federalist Papers*), it is open to wide interpretation and misinterpretation. The only clear statement about religion in the Constitution can be found in the First Amendment and we will look at its legislative history later in this article.

Thomas Jefferson used the phrase "separation of church and state" when he wrote to the Danbury Baptist Association in 1802. Then the phrase slipped into obscurity. In 1947, Justice Hugo Black revived it in the case of *Everson v. Board of Education*. He wrote that the First Amendment "was intended to erect a wall of separation between church and State." He added that this wall "must be kept high and impregnable."{2}

The wall metaphor revived by Justice Black has been misused ever since. For example, the wall of separation has been used to argue that nearly any religious activity (prayer, Bible reading, moment of silence) and any religious symbol (cross, creche, Ten Commandments, etc.) is impermissible outside of church and home. Most of these activities and symbols have

been stripped from public arenas. As we will see, it doesn't appear that Jefferson intended anything of the sort with his metaphor.

It's also worth noting that six of the thirteen original states had official, state-sponsored churches. Some states (Connecticut, Georgia, Maryland, Massachusetts, New Hampshire, and South Carolina) even refused to ratify the new Constitution unless it included a prohibition of federal involvement in the state churches.

History of the Phrase (part one)

So what was the meaning of "separation of church and state" and how has it changed? Some history is in order.

The presidential campaign of 1800 was one of the most bitterly contested presidential elections in American history. Republican Thomas Jefferson defeated Federalist John Adams (who served as Vice-President under George Washington). During the campaign, the Federalists attacked Jefferson's religious beliefs, arguing that he was an "atheist" and an "infidel." Some were so fearful of a Jefferson presidency, they buried their family Bibles or hid them in wells fearing that President Jefferson would confiscate them.{3}Timothy Dwight (President of Yale College) even warned a few years before that if Jefferson *were* elected, "we may see the Bible cast into a bonfire."{4} These concerns were unwarranted since Jefferson had written a great deal in the previous two decades about his support of religious liberty.

In the midst of these concerns, the loyal Republicans of the Danbury Baptist Association wrote to the president congratulating him on his election and his dedication to religious liberty. President Jefferson used the letter as an opportunity to explain why he did not declare days of public prayer and thanksgiving as Washington and Adams had done so

before him.

In his letter to them on New Year's Day 1802, Jefferson agreed with their desire for religious freedom saying that religious faith was a matter between God and man. Jefferson also affirmed his belief in the First Amendment and went on to say that he believed it denied Congress (or the President) the right to dictate religious beliefs. He argued that the First Amendment denied the Federal government this power, "thus building a wall of separation between Church and State."

It appears that Jefferson's phrase actually came from the 1800 election. Federalist ministers spoke against Jefferson "often from their pulpits, excoriating his infidelity and deism."{5} Republicans therefore argued that clergymen should not preach about politics but maintain a separation between the two.

We might add that a century and a half before Jefferson wrote to the Danbury Baptists, Roger Williams erected a "hedge or wall of separation" in a tract he wrote in 1644. Williams used the metaphor to illustrate the need to protect the church from the world, otherwise the garden of the church would turn into a wilderness.{6} While it might be possible that Jefferson borrowed the metaphor from Roger Williams, it appears that Jefferson was not familiar with Williams' use of the metaphor.{7}

Jefferson used his letter to the Danbury Baptists to make a key point about his executive power. In the letter, he argued that the president had no authority to proclaim a religious holiday. He believed that governmental authority belonged only to individual states. Essentially, Jefferson's wall of separation applied only to the national government.

History of the Phrase (part two)

Although the Danbury letter was published in newspapers, the "wall of separation" metaphor never gained much attention and

essentially slipped into obscurity. In 1879 the metaphor entered the lexicon of American constitutional law in the case of *Reynolds v. United States*. The court stated that Jefferson's Danbury letter "may be accepted almost as an authoritative declaration of the scope and effects of the [First] Amendment thus secured."{8} Although it was mentioned in this opinion, there is good evidence to believe that Jefferson's metaphor "played no role" in the Supreme Court's decision.{9}

In 1947, Justice Hugo L. Black revived Jefferson's wall metaphor in the case of *Everson v. Board of Education*. He applied this phrase in a different way from Thomas Jefferson. Black said that the First Amendment "was intended to erect a wall of separation between church and State." He added that this wall "must be kept high and impregnable."{10}

Daniel Dreisbach, author of *Thomas Jefferson and the Wall of Separation Between Church and State*, shows that Black's wall differs from Jefferson's wall. "Although Justice Black credited the third president with building the 'wall of separation,' the barrier raised in *Everson* differs from Jefferson's in function and location."{11}

The wall erected by Justice Black is "high and impregnable." On the other hand, Jefferson "occasionally lowered the 'wall' if there were extenuating circumstances. For example, he approved treaties with Indian tribes which underwrote the 'propagation of the Gospel among the Heathen.'"{12}

There is also a difference in the location of the two walls. Whereas Jefferson's "wall" explicitly separated the institutions of church and state, Black's wall, more expansively, separates religion and all civil government. Moreover, Jefferson's "wall" separated church and the federal government only. By incorporating the First Amendment nonestablishment provision into the due process clause of the Fourteenth Amendment, Black's wall separates religion and

civil government at all levels—federal, state, and local.{13}

Jefferson's metaphor was a statement about federalism (the relationship between the federal government and the states). But Black turned it into a wall between religion and government (which because of the incorporation of the Fourteenth Amendment could also be applied to state and local governments).

First Amendment

How did we get the wording of the First Amendment? Once we understand its legislative history, we can understand the perspective of those who drafted the Bill of Rights.{14}

James Madison (architect of the Constitution) is the one who first proposed the wording of what became the First Amendment. On June 8, 1789 Madison proposed the following:

> *"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed."*

The representatives debated this wording and then turned the task over to a committee consisting of Madison and ten other House members. They proposed a new version that read:

> *"No religion shall be established by law, nor shall the equal rights of conscience be infringed."*

This wording was debated. During the debate, Madison explained "he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience."

Representative Benjamin Huntington complained that the

proposed wording might “be taken in such latitude as to be extremely hurtful to the cause of religion.” So Madison suggested inserting the word “national” before the word “religion.” He believed that this would reduce the fears of those concerned over the establishment of a national religion. After all, some were concerned America might drift in the direction of Europe where countries have a state-sponsored religion that citizens were often compelled to accept and even fund.

Representative Gerry balked at the word “national,” because, he argued, the Constitution created a federal government, not a national one. So Madison withdrew his latest proposal, but assured Congress his reference to a “national religion” had to do with a national religious establishment, not a national government.

A week later, the House again altered the wording to this:

> *“Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience.”*

Meanwhile, the Senate debated other versions of the same amendment and on Sept. 3, 1789, came up with this wording:

> *“Congress shall make no law establishing articles of faith or a mode of worship, or prohibiting the free exercise of religion.”*

The House didn’t like the Senate’s changes and called for a conference, from which emerged the wording ultimately included in the Bill of Rights:

> *“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”*

As we can see, Congress was attempting to prevent the establishment of a national religion or a national church with

their drafting of the First Amendment.

Separation, Sponsorship and Accommodation

How should the government relate to the church? Should there be a separation of church and state? Essentially there are three answers to these questions: separation, sponsorship, and accommodation.

At one end of the spectrum of opinion is strict separation of church and state. Proponents of this position advocate the complete separation of any religious activity (prayer, Bible reading) and any religious symbol (cross, Ten Commandments) from government settings. Richard John Neuhaus called this "the naked public square" because religious values are stripped from the public arena.{15}

Proponents of this view would oppose any direct or indirect benefit to religion or religious organizations from the government. This would include opposition to tuition tax credits, education vouchers, and government funding of faith-based organizations.

At the other end of the spectrum would be sponsorship of religious organizations. Proponents would support school prayer, Bible reading in public schools, and the posting of the Ten Commandments in classrooms and public places. Proponents would also support tuition tax credits, education vouchers, and funding of faith-based organizations.

Between these two views is accommodation. Proponents argue that government should not sponsor religion but neither should it be hostile to religion. Government can accommodate religious activities. Government should provide protection for the church and provide for the free expression of religion. But government should not favor a particular group or religion over another.

Proponents would oppose direct governmental support of religious schools but would support education vouchers since the parents would be free to use the voucher at a public, private school, or Christian school. Proponents would oppose mandated school prayer but support programs that provide equal access to students. Equal access argues that if students are allowed to start a debate club or chess club on campus, they should also be allowed to start a Bible club.

We should reject the idea of a "naked public square" (where religious values have been stripped from the public arena). And we should also reject the idea of a "sacred public square" (where religious ideas are sponsored by government). We should seek an "open public square" (where government neither censors nor sponsors religion but accommodates religion).

Government should not be hostile toward religion, but neither should it sponsor religion or favor a particular faith over another. Government should maintain a benevolent neutrality toward religion and accommodate religious activities and symbols.

Notes

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4. Timothy Dwight, *The Duty of Americans, at the Present Crisis*, reprinted in Ellis Sandoz, ed., *Political Sermons of the American Founding Era, 1730-1805* (Indianapolis, IN: Liberty Press, 1991), 1382.
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Williams (Providence, RI: Providence Press, 1866), 1:392.
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8. *Reynolds v. United States*, 98 U.S. 145, 164.
9. Robert M. Hutchins, "The Future of the Wall," in *The Wall between Church and State*, ed. Dallin H. Oaks (Chicago: University of Chicago Press, 1963), 17.
10. *Everson v. Board of Education*, 330 U.S., 16, 18.
11. Daniel Dreisbach, Thomas Jefferson and the Wall of Separation Between Church and State (New York: New York University Press, 2002), 125.
12. Derek H. Davis, "Wall of Separation Metaphor," *Journal of Church and State*, vol. 45(1), Winter 2003.
13. Dreisbach, Thomas Jefferson, 125.
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15. Richard John Neuhaus, *The Naked Public Square: Religion and Democracy in America* (William B. Eerdmans Publishing Co., 1984).

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See Also:

- "I Have Some Questions on the Separation of Church and State"

American Government and Christianity – A Biblical Worldview Perspective

Kerby Anderson looks at how a Christian, biblical framework operated as a critical force in establishing our constitution and governmental system. The founders views on the nature of man and the role of government were derived from their biblical foundation.

America's Christian Roots

The founding of this country as well as the framing of the key political documents rests upon a Christian foundation. That doesn't necessarily mean that the United States is a Christian nation, although some framers used that term. But it does mean that the foundations of this republic presuppose a Christian view of human nature and God's providence.

In previous articles we have discussed "The Christian Roots of the Declaration and Constitution" [on the Web as "The Declaration and the Constitution: Their Christian Roots"] and provided an overview of the books *On Two Wings* and *One Nation Under God*. Our focus in this article will be to pull together many of the themes of these resources and combine them with additional facts and quotes from the founders.

First, what was the perspective of the founders of America? Consider some of these famous quotes.

John Adams was the second president of the United States. He saw the need for religious values to provide the moral base line for society. He stated in a letter to the officers of the First Brigade of the Third Division of the Militia of Massachusetts:

> *We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.{1}*

In fact, John Adams wasn't the only founding father to talk about the importance of religious values. Consider this statement from George Washington during his Farewell Address:

> *And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.{2}*

Two hundred years after the establishment of the Plymouth colony in 1620, Americans gathered at that site to celebrate its bicentennial. Daniel Webster was the speaker at this 1820 celebration. He reminded those in attendance of this nation's origins:

> *Let us not forget the religious character of our origin. Our fathers were brought hither by their high veneration for the Christian religion. They journeyed by its light, and labored in its hope. They sought to incorporate its principles with the elements of their society, and to diffuse its influence through all their institutions, civil, political, or literary.{3}*

Religion, and especially the Christian religion, was an important foundation to this republic.

Christian Character

It is clear that the framers of this new government believed that the people should elect and support leaders with character and integrity. George Washington expressed this in his Farewell Address when he said, “Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports.”

Benjamin Rush talked about the religious foundation of the republic that demanded virtuous leadership. He said that, “the only foundation for a useful education in a republic is to be laid on the foundation of religion. Without this there can be no virtue, and without virtue there can be no liberty, and liberty is the object and life of all republican governments.”{4}

He went on to explain that

> *A Christian cannot fail of being a republican . . . for every precept of the Gospel inculcates those degrees of humility, self- denial, and brotherly kindness which are directly opposed to the pride of monarchy. . . . A Christian cannot fail of being useful to the republic, for his religion teaches him that no man “liveth to himself.” And lastly a Christian cannot fail of being wholly inoffensive, for his religion teaches him in all things to do to others what he would wish, in like circumstances, they should do to him.{5}*

Daniel Webster understood the importance of religion, and especially the Christian religion, in this form of government. In his famous Plymouth Rock speech of 1820 he said,

> *Lastly, our ancestors established their system of government on morality and religious sentiment. Moral habits, they believed, cannot safely be trusted on any other foundation than religious principle, nor any government be secure which is not supported by moral habits. . . .Whatever makes men*

> *good Christians, makes them good citizens.{6}*

John Jay was one of the authors of the Federalist Papers and became America's first Supreme Court Justice. He also served as the president of the American Bible Society. He understood the relationship between government and Christian values. He said, "Providence has given to our people the choice of their rulers, and it is the duty, as well as the privilege and interest of our Christian nation to select and prefer Christians for their rulers."{7}

William Penn writing the *Frame of Government* for his new colony said, "Government, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad."{8}

The founders believed that good character was vital to the health of the nation.

New Man

Historian C. Gregg Singer traces the line of influence from the seventeenth century to the eighteenth century in his book, *A Theological Interpretation of American History*. He says,

> *Whether we look at the Puritans and their fellow colonists of the seventeenth century, or their descendants of the eighteenth century, or those who framed the Declaration of Independence and the Constitution, we see that their political programs were the rather clear reflection of a consciously held political philosophy, and that the various political philosophies which emerged among the American people were intimately related to the theological developments which were taking place. . . . A Christian world and life view furnished the basis for this early political thought which guided the American people for nearly two*

> *centuries and whose crowning lay in the writing of the Constitution of 1787.{9}*

Actually, the line of influence extends back even further. Historian Arnold Toynbee, for example, has written that the American Revolution was made possible by American Protestantism. Page Smith, writing in the *Religious Origins of the American Revolution*, cites the influence of the Protestant Reformation. He believes that

> *The Protestant Reformation produced a new kind of consciousness and a new kind of man. The English Colonies in America, in turn, produced a new unique strain of that consciousness. It thus follows that it is impossible to understand the intellectual and moral forces behind the American Revolution without understanding the role that Protestant Christianity played in shaping the ideals, principles and institutions of colonial America.{10}*

Smith argues that the American Revolution "started, in a sense, when Martin Luther nailed his 95 theses to the church door at Wittenburg." It received "its theological and philosophical underpinnings from John Calvin's *Institutes of the Christian Religion* and much of its social theory from the Puritan Revolution of 1640-1660.{11}

Most people before the Reformation belonged to classes and social groups which set the boundaries of their worlds and established their identities. The Reformation, according to Smith, changed these perceptions. Luther and Calvin, in a sense, created a re- formed individual in a re-formed world.

Key to this is the doctrine of the priesthood of the believer where each person is "responsible directly to God for his or her own spiritual state…. The individuals who formed the new congregations established their own churches, chose their own ministers, and managed their own affairs without reference to

an ecclesiastical hierarchy."{12}

These re-formed individuals began to change their world including their view of government and authority.

Declaration of Independence

Let's look at the Christian influence on the Declaration of Independence. Historian Page Smith points out that Thomas Jefferson was not only influenced by secular philosophers, but was also influenced by the Protestant Reformation. He says,

> *Jefferson and other secular-minded Americans subscribed to certain propositions about law and authority that had their roots in the Protestant Reformation. It is a scholarly common-place to point out how much Jefferson (and his fellow delegates to the Continental Congress) were influenced by Locke. Without disputing this we would simply add that an older and deeper influence — John Calvin — was of more profound importance.{13}*

Another important influence was William Blackstone. Jefferson drew heavily on the writings of this highly respected jurist. In fact, Blackstone's *Commentaries on the Laws of England* were among Jefferson's most favorite books.

In his section on the "Nature of Laws in General," Blackstone wrote, "as man depends absolutely upon his Maker for everything, it is necessary that he should, in all points, conform to his Maker's will. This will of his Maker is called the law of nature."{14}

In addition to the law of nature, the other source of law is from divine revelation. "The doctrines thus delivered we call the revealed or divine law, and they are to be found only in the Holy Scriptures." According to Blackstone, all human laws depended either upon the law of nature or upon the law of revelation found in the Bible: "Upon these two foundations,

the law of nature and the law of revelation, depend all human laws."{15}

Samuel Adams argues in "The Rights of the Colonists" that they had certain rights. "Among the natural Rights of the Colonists are these: First, a Right to Life; second, to Liberty; third, to Property; . . . and in the case of intolerable oppression, civil or religious, to leave the society they belong to, and enter into another. When men enter into society, it is by voluntary consent."{16} This concept of natural rights also found its way into the Declaration of Independence and provided the justification for the American Revolution.

The Declaration was a bold document, but not a radical one. The colonists did not break with England for "light and transient causes." They were mindful that they should be "in subjection to governing authorities" which "are established by God" (Rom. 13:1). Yet when they suffered from a "long train of abuses and usurpations," they believed that "it is the right of the people to alter or abolish [the existing government] and to institute a new government."

Constitution

The Christian influence on the Declaration is clear. What about the Constitution?

James Madison was the chief architect of the Constitution as well as one of the authors of the *Federalist Papers*. It is important to note that as a youth, he studied under a Scottish Presbyterian, Donald Robertson. Madison gave the credit to Robertson for "all that I have been in life."{17} Later he was trained in theology at Princeton under the Reverend John Witherspoon. Scholars believe that Witherspoon's Calvinism (which emphasized the fallen nature of man) was an important source for Madison's political ideas.{18}

The Constitution was a contract between the people and had its

origins in American history a century earlier:

> *One of the obvious by-products [of the Reformation] was the notion of a contract entered into by two people or by the members of a community amongst themselves that needed no legal sanctions to make it binding. This concept of the Reformers made possible the formation of contractuals or, as the Puritans called them, "covenanted" groups formed by individuals who signed a covenant or agreement to found a community. The most famous of these covenants was the Mayflower Compact. In it the Pilgrims formed a "civil body politic," and promised to obey the laws their own government might pass. In short, the individual Pilgrim invented on the spot a new community, one that would be ruled by laws of its making.{19}*

Historian Page Smith believes, "The Federal Constitution was in this sense a monument to the reformed consciousness. This new sense of time as potentiality was a vital element in the new consciousness that was to make a revolution and, what was a good deal more difficult, form a new nation."{20}

Preaching and teaching within the churches provided the justification for the revolution and the establishment of a new nation. Alice Baldwin, writing in *The New England Clergy and the American Revolution*, says,

> *The teachings of the New England ministers provide one line of unbroken descent. For two generations and more New Englanders had . . . been taught that these rights were sacred and came from God and that to preserve them they had a legal right of resistance and, if necessary a right to . . . alter and abolish governments and by common consent establish new ones.{21}*

Christian ideas were important in the founding of this republic and the framing of our American governmental

institutions. And I believe they are equally important in the maintenance of that republic.

Notes

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18. James H. Smylie, "Madison and Witherspoon: Theological Roots of American Political Thought," *American Presbyterians*
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Christian View of Government and Law

Kerby Anderson helps us develop a biblically based, Christian view of both government and the laws it enforces. Understanding that the New Testament does not direct a particular type of government, Kerby leads us to understand how the principles of the New Testament will help us select governmental models that a conducive to Christian life and witness.

Christian View of Government

Government affects our lives daily. It tells us how fast to drive. It regulates our commerce. It protects us from foreign

and domestic strife. Yet we rarely take time to consider its basic function. What is a biblical view of government? Why do we have government? What kind of government does the Bible allow?

Developing a Christian view of government is difficult since the Bible does not provide an exhaustive treatment of government. This itself is perhaps instructive and provides some latitude for these institutions to reflect the needs and demands of particular cultural situations. Because the Bible does not speak directly to every area of political discussion, Christians often hold different views on particular political issues. However, Christians are not free to believe whatever they want. Christians should not abandon the Bible when they begin to think about these issues because there is a great deal of biblical material that can be used to judge particular political options.

The Old Testament teaches that God established government after the flood (Gen. 9:6). And the Old Testament provides clear guidelines for the development of a theocracy in which God was the head of government. These guidelines, however, were written for particular circumstances involving a covenant people chosen by God. These guidelines do not apply today because our modern governments are not the direct inheritors of the promises God made to the nation of Israel.

Apart from that unique situation, the Bible does not propose nor endorse any specific political system. The Bible, however, does provide a basis for evaluating various political philosophies because it clearly delineates a view of human nature. And every political theory rests on a particular view of human nature.

The Bible describes two elements of human nature. This viewpoint is helpful in judging government systems. Because humans are created in the image of God (Gen. 1:26–27), they are able to exercise judgment and rationality. However, humans

are also fallen creatures (Gen. 3). This human sinfulness (Rom. 3:23) has therefore created a need to control evil and sinful human behavior through civil government.

Many theologians have suggested that the only reason we have government today is to control sinful behavior because of the Fall. But there is every indication that government would have existed even if we lived in a sinless world. For example, there seems to be some structuring of authority in the Garden (Gen. 1–2). The Bible also speaks of the angelic host as being organized into levels of authority and function.

In the creation, God ordained government as the means by which human beings and angelic hosts are ruled. The rest of the created order is governed by instinct (Prov. 30:24–28) and God's providence. Insect colonies, for example, may show a level of order, but this is due merely to genetically controlled instinct.

Human beings, on the other hand, are created in the image of God and thus are responsible to the commands of God. We are created by a God of order (1 Cor. 14:33); therefore we also seek order through governmental structures.

A Christian view of government differs significantly from views proposed by many political theorists. The basis for civil government is rooted in our created nature. We are rational and volitional beings. We are not determined by fate, as the Greeks would have said, nor are we determined by our environment as modern behaviorists say. We have the power of choice. Therefore we can exercise delegated power over the created order. Thus a biblical view of human nature requires a governmental system that acknowledges human responsibility.

While the source of civil government is rooted in human responsibility, the need for government derives from the necessity of controlling human sinfulness. God ordained civil government to restrain evil (cf. Gen. 9). Anarchy, for

example, is not a viable option because all have sinned (Rom. 3:23) and are in need of external control.

Notice how a Christian view of human nature provides a basis to judge various political philosophies. For example, Christians must reject political philosophies which ignore human sinfulness. Many utopian political theories are based upon this flawed assumption. In *The Republic*, Plato proposed an ideal government where the enlightened philosopher-kings would lead the country. The Bible, however, teaches that all are sinful (Rom. 3:23). Plato's proposed leaders would also be affected by the sinful effects of the Fall (Gen. 3). They would not always have the benevolent and enlightened disposition necessary to lead the republic.

Christians should also reject a marxist view of government. Karl Marx believed that human nature was conditioned by society, and in particular, the capitalist economy. His solution was to change the economy so that you would change human nature. Why do we have greed? Because we live in a greedy capitalist society. Marx taught that if society changed the economy from capitalism to socialism and then communism, greed would cease.

Christians should reject the utopian vision of marxism because it is based upon an inaccurate view of human nature. The Bible teaches that believers can become new creatures (2 Cor. 5:17) through spiritual conversion, but that does not mean that the effects of sin are completely overcome in this life. The Bible also teaches that we will continue to live in a world tainted by sin. The view of Karl Marx contradicts biblical teaching by proposing a new man in a new society perfected by man's own efforts.

Since civil government is necessary and divinely ordained by God (Rom. 13:1–7), it is ultimately under God's control. It has been given three political responsibilities: the sword of justice (to punish criminals), the sword of order (to thwart

rebellion), and the sword of war (to defend the state).

As citizens, Christians have been given a number of responsibilities. They are called to render service and obedience to the government (Matt. 22:21). Because it is a God-ordained institution, they are to submit to civil authority (1 Pet. 2:13–17) as they would to other institutions of God. As will be discussed later, Christians are not to give total and final allegiance to the secular state. Other God-ordained institutions exist in society alongside the state. Christians' final allegiance must be to God. They are to obey civil authorities (Rom.13:5) in order to avoid anarchy and chaos, but there may be times when they may be forced to disobey (Acts 5:29).

Because government is a divinely ordained institution, Christians have a responsibility to work within governmental structures to bring about change. Government is part of the order of creation and a minister of God (Rom. 13:4). Christians are to obey governmental authorities (Rom. 13:1–4, 1 Peter 2:13-14). Christians are also to be the salt of the earth and the light of the world (Matt. 5:13–16) in the midst of the political context.

Although governments may be guilty of injustice, Christians should not stop working for justice or cease to be concerned about human rights. We do not give up on marriage as an institution simply because there are so many divorces, and we do not give up on the church because of many internal problems. Each God-ordained institution manifests human sinfulness and disobedience. Our responsibility as Christians is to call political leaders back to this God-ordained task. Government is a legitimate sphere of Christian service, and so we should not look to government only when our rights are being abused. We are to be concerned with social justice and should see governmental action as a legitimate instrument to achieve just ends.

A Christian view of government should also be concerned with human rights. Human rights in a Christian system are based on a biblical view of human dignity. A bill of rights, therefore, does not grant rights to individuals, but instead acknowledges these rights as already existing. The writings of John Locke along with the Declaration of Independence capture this idea by stating that government is based on the inalienable rights of individuals. Government based on humanism, however, would not see rights as inalienable, and thus opens the possibility for the state to redefine what rights its citizens may enjoy. The rights of citizens in a republic, for example, are articulated in terms of what the government is forbidden to do. But in totalitarian governments, while the rights of citizens may also be spelled out, power ultimately resides in the government not the people.

A Christian view of government also recognizes the need to limit the influence of sin in society. This is best achieved by placing certain checks on governmental authority. This protects citizens from the abuse or misuse of governmental power which results when sinful individuals are given too much governmental control.

The greatest threat to liberty comes from the exercise of power. History has shown that power is a corrupting force when placed in human hands. In the Old Testament theocracy there was less danger of abuse because the head of state was God. The Bible amply documents the dangers that ensued when power was transferred to a single king. Even David, a man after God’s own heart (1 Sam. 13:14; Acts 13:22), abused his power and Israel experienced great calamity (2 Sam. 11–21).

Governmental Authority

A key question in political theory is how to determine the limits of governmental authority. With the remarkable growth in the size and scope of government in the 20th century, it is necessary to define clearly the lines of governmental

authority. The Bible provides some guidelines.

However, it is often difficult to set limits or draw lines on governmental authority. As already noted, the Old Testament theocracy differed from our modern democratic government. Although human nature is the same, drawing biblical principles from an agrarian, monolithic culture and applying them to a technological, pluralistic culture requires discernment.

Part of this difficulty can be eased by separating two issues. First, should government legislate morality? We will discuss this in the section on social action. Second, what are the limits of governmental sovereignty? The following are a few general principles helpful in determining the limits of governmental authority.

As Christians, we recognize that God has ordained other institutions besides civil government which exercise authority in their particular sphere of influence. This is in contrast to other political systems that see the state as the sovereign agent over human affairs, exercising sovereignty over every other human institution. A Christian view is different.

The first institution is the church (Heb. 12:18–24; 1 Pet. 2:9–10). Jesus taught that the government should work in harmony with the church and should recognize its sovereignty in spiritual matters (Matt. 22:21).

The second institution is the family (Eph. 5:22–32, 1 Pet. 3:1–7). The family is an institution under God and His authority (Gen.1:26–28, 2:20–25). When the family breaks down, the government often has to step in to protect the rights of the wife (in cases of wife abuse) or children (in cases of child abuse or adoption). The biblical emphasis, however, is not so much on rights as it is on responsibilities and mutual submission (Eph. 5:21).

A third institution is education. Children are not the wards of the state, but belong to God (Ps. 127:3) and are given to

parents as a gift from God. Parents are to teach their children (Deut. 4:9) and may also entrust them to tutors (Gal. 4:2).

In a humanistic system of government, the institutions of church and family are usually subordinated to the state. In an atheistic system, ultimately the state becomes a substitute god and is given additional power to adjudicate disputes and bring order to a society. Since institutions exist by permission of the state, there is always the possibility that a new social contract will allow government to intervene in the areas of church and family.

A Christian view of government recognizes the sovereignty of these spheres. Governmental intervention into the spheres of church and family is necessary in certain cases where there is threat to life, liberty, or property. Otherwise civil government should recognize the sovereignty of other God-ordained institutions.

Moral Basis of Law

Law should be the foundation of any government. Whether law is based upon moral absolutes, changing consensus, or totalitarian whim is of crucial importance. Until fairly recently, Western culture held to a notion that common law was founded upon God's revealed moral absolutes.

In a Christian view of government, law is based upon God's revealed commandments. Law is not based upon human opinion or sociological convention. Law is rooted in God's unchangeable character and derived from biblical principles of morality.

In humanism, humanity is the source of law. Law is merely the expression of human will or mind. Since ethics and morality are man-made, so also is law. Humanists' law is rooted in human opinion, and thus is relative and arbitrary.

Two important figures in the history of law are Samuel

Rutherford (1600-1661) and William Blackstone (1723-1780). Rutherford's *Lex Rex* (written in 1644) had profound effect on British and American law. His treatise challenged the foundations of 17th century politics by proclaiming that law must be based upon the Bible, rather than upon the word of any man.

Up until that time, the king had been the law. The book created a great controversy because it attacked the idea of the divine right of kings. This doctrine had held that the king or the state ruled as God's appointed regent. Thus, the king's word had been law. Rutherford properly argued from passages such as Romans 13 that the king, as well as anyone else, was under God's law and not above it.

Sir William Blackstone was an English jurist in the 18th century and is famous for his *Commentaries on the Law of England* which embodied the tenets of Judeo-Christian theism. Published in 1765, the *Commentaries* became the definitive treatise on the common law in England and in America. According to Blackstone, the two foundations for law are nature and revelation through the Scriptures. Blackstone believed that the fear of the Lord was the beginning of wisdom, and thus taught that God was the source of all laws. It is interesting that even the humanist Rousseau noted in his *Social Contract* that one needs someone outside the world system to provide a moral basis for law. He said, "It would take gods to give men laws."

Unfortunately, our modern legal structure has been influenced by relativism and utilitarianism, instead of moral absolutes revealed in Scripture. Relativism provides no secure basis for moral judgments. There are no firm moral absolutes upon which to build a secure legal foundation.

Utilitarianism looks merely at consequences and ignores moral principles. This legal foundation has been further eroded by the relatively recent phenomenon of sociological law. In this

view, law should be based upon relative sociological standards. No discipline is more helpless without a moral foundation than law. Law is a tool, and it needs a jurisprudential foundation. Just as contractors and builders need the architect's blueprint in order to build, so also lawyers need theologians and moral philosophers to make good laws. Yet, most lawyers today are extensively trained in technique, but little in moral and legal philosophy.

Legal justice in the Western world has been based upon a proper, biblical understanding of human nature and human choice. We hold criminals accountable for their crimes, rather than excuse their behavior as part of environmental conditioning. We also acknowledge differences between willful, premeditated acts (such as murder) and so-called crimes of passion (i.e., manslaughter) or accidents.

One of the problems in our society today is that we do not operate from assumptions of human choice. The influence of the behaviorist, the evolutionist, and the sociobiologist are quite profound. The evolutionist and sociobiologist say that human behavior is genetically determined. The behaviorist says that human behavior is environmentally determined. Where do we find free choice in a system that argues that actions are a result of heredity and environment? Free choice and personal responsibility have been diminished in the criminal justice system, due to the influence of these secular perspectives.

It is, therefore, not by accident that we have seen a dramatic change in our view of criminal justice. The emphasis has moved from a view of punishment and restitution to one of rehabilitation. If our actions are governed by something external, and human choice is denied, then we cannot punish someone for something they cannot control. However, we must rehabilitate them if the influences are merely heredity and environmental. But such a view of human actions diminishes human dignity. If a person cannot choose, then he is merely a victim of circumstances and must become a ward of the state.

As Christians, we must take the criminal act seriously and punish human choices. While we recognize the value of rehabilitation (especially through spiritual conversion, John 3:3), we also recognize the need for punishing wrong-doing. The Old Testament provisions for punishment and restitution make more sense in light of the biblical view of human nature. Yet today, we have a justice system which promotes no-fault divorce, no-fault insurance, and continues to erode away the notion of human responsibility.

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