

# **POLITICS, LAW, GOVERNMENT AND ACTIVISM**

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## **A Christian View of the Perennial Political Questions**

**By J. Budziszewski**

Since the fourth century before Christ, when the systematic study of politics was begun by Plato, certain questions have tended to arise over and over. This section lists fourteen such questions, focusing on the enduring issues rather than the fads of the moment.

Twelve may seem a rather large number. Worse yet, some of my "questions" are really several questions. Could nothing have been done to make the list shorter?

It is certainly true that shorter lists of the perennial questions have been produced. Their brevity, however, has been achieved at an unacceptable cost: Clarity. A question like "What is justice?" may sound sonorous and important, but what does it really ask? Does it ask the meaning of the *word* "justice"? Or does it ask what institutions are necessary to *uphold* justice? Is the questioner asking how a just law can be distinguished from an unjust one? Or is he perhaps trying to puzzle out what justice demands of him personally in an unjust world? For the sake of a lucid presentation, I would rather provide a long list of clear questions than a short list of fuzzy ones.

Where the form that a perennial question takes is different for Christians than for non-believers, I have stated the question in its Christian form. I have also included questions that are perennial *among* Christians, but which non-believers do not ask at all.

Following each perennial question I have briefly indicated the Scriptural standards by which Christian scholarship and reflection upon it should be guided. Concerning politics, what Scripture says is authoritative but not complete; it is not possible to extract an entire political theory from the Bible except by manhandling the texts.

### **2.1. The Scope of Law and Government**

*What is the proper purpose of law, and what is the proper scope of government? That is, with what matters should government concern itself, and what matters are better left alone?*

As Oliver O'Donovan has pointed out, the Bible never speaks of human governors as "making laws," but as "giving judgment." The reason for this is that human governing is entirely derivative; standards for the conduct of human life have already been given by God.

This does not mean that we may never say that human beings "make laws." When we do use this expression, though, we must remember that it is only a figure of speech. Whenever our so-called laws are truly lawful, they are really "judgments" applying God's higher law to concrete circumstances. Whenever they do not apply God's higher law, they are not truly lawful.

As to the scope of government, the key Scriptural text is 1 Peter 2:13-14, where Peter speaks as follows.

Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors *as sent by him to punish those who do wrong and to praise those who do right.*  
(RSV; emphasis added.)

The purposes for which God ordains government are clearly indicated in this passage, and there are only two: (1) punishing wrongdoers, and (2) praising rightdoers. The presumption seems to be that although governments sometimes do pursue other purposes, these other purposes are not normally part of its God-appointed work. Some of them may perhaps be justified under special circumstances -- for example, in emergencies, when other institutions become unable to do their own God-appointed work -- but government does not have a license to "do good" in any way it can think of.

## 2.2. Public and Private Realms

*What is the relationship between government and the vast range of non-governmental institutions that also have bearing on our common life, such as church, family, school, business firm, labor union, and club?*

We saw in the previous section that Scripture does not assign every vital function of human society to government, but only the functions of punishing wrongdoers and praising rightdoers. It follows that other human institutions must have their own proper functions, different from those of the government. Obviously these ideas need to be spelled out in greater detail than Scripture provides, and in our time, Christian thinkers have followed two main approaches to doing so.

Some Protestant and all Roman Catholic thinkers follow an approach called *subsidiarity*, which distinguishes the different social institutions according to their position on a ladder, with families on the lowest rung, voluntary associations on the next, local governments on the next after that, and national government on the highest of all. The key principle of subsidiarity is that the vital functions of human society should always be undertaken at the lowest level possible; rather than taking them over, government should be merely a *subsidium*, a "help." Thus, voluntary associations should not try to do what families can do for themselves, local governments should not try to do what families or voluntary associations can do for themselves, and national government should not try to do what families, voluntary associations, or local governments can do for themselves.

Other Protestant thinkers, especially Calvinists, follow an approach called *sphere sovereignty*, which distinguishes the different social institutions not vertically but horizontally: Each social institution has a unique sphere and function, with government not higher, but just different. The key principle is that no institution should invade the sphere of any other. Thus, the government should not invade the sphere of family, church, or school, the church should not invade the sphere of government, family, or school, and so forth. Policing the different institutions so that none invades the sphere of any other is part of the function of government.

At recent conferences on pluralism at Calvin College and Baylor University, subsidiarists and sphere sovereignists discovered that they have more in common than they suspected. The two approaches may turn out to be not competitive, but complementary.

## 2.3. Expected and Unexpected Consequences

*What are the permanent limitations on what human government can achieve -- those limits which cannot be transgressed without grave and unintended consequences?*

Secular political reflection is full of thoughts like these:

"Man is at last becoming aware that he alone is responsible for the realization of the world of his dreams, that he has within himself the power for its achievement."

"Humans are responsible for what we are or will become. No deity will save us; we must save ourselves."

"Man sets himself only such problems as he is able to solve."

The first two quotations are from the Humanist Manifestoes, the third from Karl Marx. The error they represent may be called *perfectionism* -- the belief that human effort is adequate to overcome human evil and limitations, that the cure can be completed in human time, perhaps even that it can be arranged for whole societies at once.

The biblical judgment on perfectionism is perhaps best expressed in the story of the Tower of Babel, in which the people of Shinar seek to build "a tower that reaches to the heavens" in order to make a name for themselves and not be scattered over the earth. God confuses their language and scatters them over the earth precisely to enforce human limitations.

## 2.4. The Best Form of Government

*Is the same form of government best always and everywhere, or are different forms best for different cultures and circumstances?*

The history of Christian efforts to find out the best form of government from Scripture has not been a happy one. One influential attempt was by the medieval thinker Thomas Aquinas, who thought the best form of government was the blended form: "[P]artly kingdom, since there is one at the head of all; partly aristocracy, in so far as a number of persons are set in authority; partly democracy, i.e. government by the people, in so far as the rulers can be chosen from the people, and the people have the right to choose their rulers." Here was his reasoning:

Such was the form of government established by the Divine Law. For Moses and his successors governed the people in such a way that each of them was ruler over all; so that there was a kind of kingdom. Moreover, seventy-two men were chosen, who were elders in virtue: for it is written (Deuteronomy 1:15): "I took out of your tribes wise and honorable, and appointed them rulers": so that there was an element of aristocracy. But it was a democratical government in so far as the rulers were chosen from all the people; for it is written (Exodus 18:21): "Provide out of all the people wise men," etc.; and, again, in so far as they were chosen by the people; wherefore it is written (Deuteronomy 1:13): "Let me have from among you wise men," etc. Consequently it is evident that the ordering of the rulers was well provided for by the Law. (*Summa Theologiae* I-II, Q. 105, Art. 1.)

The problem with this Scriptural exegesis is that although God did approve such a form of government for the Hebrew people under Moses, he approved a quite different form of government for them after they reached the promised land. No one person was set over all the tribes; in fact, when the Hebrew people asked Samuel to appoint such a person, God was displeased. (1 Samuel 8.)

The fact is that Scripture does not command the same form of government for all times and circumstances. Today, apparently, we are left to work out appropriate forms of government by prudence. Scripture guides prudence not directly, by prescribing a specific form of government, but indirectly, by teaching us various principles that we are to keep in mind. For instance, Scripture teaches that all men sin, including rulers; therefore prudence concludes that the government should be designed in such fashion as to limit the damage that can be done by wicked men.

## 2.5. The Necessity of Virtue

*To what degree does good government depend on good moral character on the part of the rulers and the citizens?*

We should never put our ultimate reliance in the goodness of any fallen human being; as Psalm 146:3 warns, "Put not your trust in princes, in a son of man, in whom there is no help." (RSV.) It does not follow, however, that we should not desire our "princes" and people to be as virtuous as possible. In fact, one of the lessons of Old Testament history is that private sin has public consequences. (2 Samuel 12:7-12.) Another is that national corruption is followed by national ruin, national repentance by national restoration (Isaiah 1:27-28).

The connection between the state of our souls and the state of our governments has been recognized by many thinkers, both in pagan and Christian times. Joseph de Maistre, an opponent of the French revolution, wrote that "Every country gets the government it deserves." On the other hand, a great and continuing theme of political reflection since ancient times has been to figure out how a country can get a *better* government than it deserves -- how to make the little bit of virtue that it has go further. This tradition has given rise to many of our most distinctive political ideas, such as the strategy of checks and balances -- pitting fallen men against each other so that for every dangerous ambition, there is an equal and opposite ambition which keeps it in control.

## 2.6. The Enforcement of Moral Standards

*How high a standard of morality should law and government attempt to enforce?*

One possibility is that law and government should enforce the same high moral standards that are given to the community of faith. This seems to be incorrect, because God has not held even the community of faith to the same high moral standards at all times; rather God has trained His stubborn people gradually. Jesus made this point Himself: When the Pharisees asked him whether a man may divorce his wife for any reason, he replied in the negative. They then demanded, "Why then did Moses command one to give a certificate of divorce, and to put her away?" He replied, "For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so."

Another possibility is that law and government should enforce only the more elementary moral requirements which Scripture says God has "written on the heart" of all nations in Romans 2:14-15 -- those rules which every man knows by conscience, so that he cannot honestly plead ignorance. This is the mainstream position of those in the tradition of Christian reflection called "natural law," which in recent times has experienced a revival.

An argument can be made that when the citizens are especially corrupt, even "the law written on the heart" is too much for them to bear. For example, the natural law thinker Thomas Aquinas argued that "the purpose of human law is to lead men to virtue, not suddenly, but gradually." If government attempts to abolish all of their vices all at once, the citizens may "break out into yet greater evils." In support of this point he cites two passages of Scripture. The first, Proverbs 30:33, warns that "pressing the nose produces blood" (RSV) -- we might put the idea "don't push too hard, or something bad will happen." The second, Matthew 9:17, explains that "Neither is new wine put into old wineskins; if it is, the skins burst, and the wine is spilled, and the skins are destroyed" (RSV) -- here the thought is that excessively demanding rules are given to unregenerate men, they will be unable to bear them and will sin all the more.

Yet there may sometimes be things that law and government can do to encourage moral aspirations even *beyond* the law written on the heart. For example, some of the states are now experimenting with "two-track" marriage laws. For couples who get married in the usual way, divorce is relatively easy; but for couples who chose a higher, "covenant" standard of marriage, divorce is relatively difficult. The verdict on this innovative legal strategy is not yet in.

## 2.7. Cultural and Political Apologetics

*Morally speaking, how much can be achieved by law, how much by persuasion, and how much depends ultimately on conversion? How should "cultural apologetics" be conducted?*

A purely legal approach to moral reform is clearly unrealistic. It has been said that in the present state of American public opinion, if abortion were banned on Monday, it would be legalized again by Friday. Nineteenth-century reformers faced the same obstacles to the abolition of slavery.

Obviously, then, legislation must be accompanied by persuasion; citizens must be prepared for legal changes by "cultural apologetics." Just as ordinary apologetics gives reasons for Christian faith and defends it against objections, so cultural apologetics gives reasons for Christian moral standards and defends them against objections. An case can be made for the opinion that Christians engage *too little* in cultural apologetics. The argument is that as our post-Christian society leaves Christian moral standards further and further behind, our public institutions disintegrate, and Christianity itself is held in suspicion.

Some people make a case for the opposite opinion, that Christians engage *too much* in cultural apologetics. Here the argument is that rather than talking non-Christians to see the sense of Christian moral standards, we should be making Christians of them. Our emphasis should be on conversion, not on persuasion.

My own view is that although evangelism and cultural apologetics *can* be competitors, they need not be; conducted properly, they go hand in hand. Of course it is true that there are limits on what an unregenerate person can be persuaded to believe. On the other hand, God Himself sent moral messengers before He sent the Savior. As Paul explains, the law of Moses was like the "pedagogue," the servant who takes the children to school -- the school, in this case, being Christ. (Galatians 3:24.) Unless people have some conception of the moral law, it is difficult for them to understand why they need salvation in the first place, because they have not yet faced their sins.

## **2.8. The Shape of the International System**

*How should governments treat other governments? Should we seek to preserve the present system of autonomous nation-states, or would some alternative international system be better?*

It is easy to forget just how young the system of autonomous nation-states really is. In the West, it came into being only after the Protestant and Catholic wars of religion. Prior to that time, national autonomy was limited (whether for good or for ill) by transnational institutions such as the Empire and the Church. In our time, new transnational institutions are developing -- enormous trade alliances, the world bank and the world court, and multinational corporations which seemingly owe allegiance to no one but themselves. Much has been written about these changes -- some calling them profound and others calling them superficial, some lauding them and others condemning them - - but most such writing is blowing smoke: We really do not know what the future holds.

In the meantime, how should governments treat each other? To be sure, God's laws apply to governments too; murder, theft, and covetousness do not cease to be sinful just because they committed by governments instead of individuals. Beyond this, however, Scripture gives us little guidance.

Fortunately, the gravest problem of international relations is also the one to which Christian thinkers have given the greatest attention: The problem of war, to which we now turn.

## **2.9. Justified and Unjustified War**

*Is war ever justified? If so, what are the moral requirements for entering a war, and what are the moral requirements for its conduct?*

Two opinions about war are held by Christians. Some Christians are pacifists; they believe that the Old Testament commandment "Thou shalt not kill" and Jesus' warning against "taking the sword" (Matthew 26:52) prohibit all shedding of blood for any reasons whatsoever. If pacifist principles were followed consistently, they would prohibit not only war, but even the use of lethal force by police officers.

Pacifism is still avowed by some Christians, and should be respected. For most of the Christian era, however, most Christians have believed that the commandment and the warning do not prohibit every kind of killing, but rather *murder*. They mean, in other words, that we must never directly and deliberately take innocent human life; that we must never take even guilty human life except by public authority in pursuit of justice; and that we must never put our ultimate trust in violence. Can lethal force ever satisfy these conditions? Paul seemed to think so. As he taught in Romans 13, the ruler "does not bear the sword in vain; he is the servant of God to execute His wrath on the wrongdoer." (Romans 13:4, RSV.)

How does this apply to war? Beginning with the great church father Augustine of Hippo (354-430 A.D.), Christian thinkers have developed a number of criteria for distinguishing justified from unjustified wars. The idea is not that satisfying these criteria makes murder permissible; murder is never permissible, even in wartime. Rather the idea is that if these criteria are satisfied, war is not necessarily murder. The criteria spare a government the need for hard judgment; rather they tell it which hard judgments we need to make.

First come seven requirements for *when going to war is permissible* (the *jus in bello* criteria). Some thinkers group them differently, coming up with a different number of requirements, but the various lists cover much the same territory. Every criterion must be satisfied before war may be undertaken.

1. *Public authority.* War must be declared by a legitimate government. Private individuals and groups cannot do it.
2. *Just Cause.* War must not be waged except to protect innocent life, to ensure that people can live decently, and to secure their natural rights.
3. *Right Intention (first part).* Not only must there *be* just cause to take up arms; this just cause must be the *reason* for taking up arms. Our goal must be to achieve a just peace.
4. *Comparative Justice.* War should not be waged unless the evils that are fought are grave enough to justify killing.
5. *Proportionality (first part).* There must be reason to expect that going to war will end more evil than it causes.
6. *Probability of Success.* There must be a reasonable likelihood that the war will achieve its aims.
7. *Last Resort.* War should not be waged unless a reasonable person would recognize that the peaceful alternatives have been exhausted.

Next come three requirements for *how war must be fought* (the *jus ad bellum* criteria). No exceptions are allowed, no matter how much we may want to make them.

1. *Right Intention (second part).* The goal of war must be to restore a just peace; therefore, we must avoid any act or demand which would make it more difficult for our enemies to reconcile with us some day.
2. *Proportionality (second part).* We must never use tactics which can be expected to bring about more evil than good.
3. *Discrimination.* Even though harm might come to them accidentally, *directly intended* attacks on non-combatants and non-military targets are never permissible.

The debate between pacifists and justified-war thinkers has been going on for a long time and may be expected to continue. Although neither position is heretical in itself, either one may *become* heretical if viewed as a solution to human sin. We must be realistic about the fallen condition of mankind. Pacifism will not end war; neither will there ever be a war to end all wars.

Whether or not the wars of our own country have been justified wars, it is interesting to note that the War in the Persian Gulf was the first American war in which our government explicitly pledged itself to the observance of all of the justified war requirements.

## **2.10. The Moral Response to Legalized Wrong**

*What are the marks of intolerably unjust law and intolerably unjust government? How should citizens respond to each of these two situations?*

The argument is sometimes made that because God ordained government for our good, we must obey every law and command of government, no matter how unjust. However, this is clearly false, for the bible is full of instances of right and proper disobedience to unjust commands. When the Hebrew midwives refused Pharaoh's command to kill all male Hebrew infants, God rewarded them (Exodus 1). When the Three Worthies refused King Nebuchadnezzar's command to worship the golden idol, God saved them (Daniel 3). When Peter and the Apostles were told by the Sanhedrin to stop preaching about Jesus, they replied "We must obey God rather than men" (Acts 5:29, RSV).

A more difficult question is whether an unjust government may ever be deposed by revolution. Christians have held two views on this subject, and the case is still open.

One view is that because of the respect due to an institution ordained by God, even an unjust government may be deposed only by public authority. For example, in a country where the president were chosen by the senate, only the senate could depose the president, and if the senate itself were unwilling or unable to act, the citizens could ask another country to intervene to restore justice. This view may permit war as a remedy for unjust government, but it does not permit revolution.

The other view is that revolution is sometimes justifiable, but only in the same sorts of cases in which war is justifiable. Each of the *jus in bello* criteria, such as Just Cause, Right Intention, and Last Resort, is adapted for the case of revolution. The question is whether such adaptation makes moral sense. Proponents of the former view maintain that making "war" against one's own government is not at all equivalent to making war against the government of another country.

All Christians agree that whatever the other appropriate responses to domestic injustice, a Christian's primary responses are mercy toward those who suffer the injustice; witness toward those who inflict it; and purity, lest he commit injustice himself.

## **2.11. Maintaining Integrity**

*In politics even more than in other spheres of life, men are tempted to follow the slogans "Let us do evil that good may come" and "The end justifies the means." How can such reasoning be resisted?*

Justice is a hard discipline, and self-interest is not the strongest temptation to set it aside. Far stronger motives are the anger which wants to "fix" everything, the pride which thinks it can, and the despair which is too impatient to wait for God. A person who succumbs to such motives may find himself reasoning as follows.

Outside the prison, the mob is at the boiling point. If there is a riot, many will be hurt; some will die. But I will fix things; I will allow the mob to lynch my prisoner. It may be unjust, but at least it will placate the mob.

The war shows no sign of ending. As long as it continues, soldiers will die. But I will fix things; I will direct the pilots to retarget their bombs on population centers. It may be unjust, but at least it will shorten the war.

Pregnancies are on the rise among young, unmarried women. If all of them have their babies, the children will grow up fatherless. But I will fix things; I will allow them to take the lives of their children while they are yet unborn. It may be unjust, but at least it will lessen fatherlessness.

"And why not do evil that good may come?" (Romans 3:8.) Why indeed? A Christian can say "Do the right thing and let God worry about the consequences," because he is convinced of both his own weakness and God's omnipotence. He knows that only God can set everything to rights, and he is confident that one day God will. But one who lacks such faith carries the terrible burden of trying to control consequences by himself. It seems that everything is up to him, and that he must somehow be his own providence.

The harder our culture runs from God, the stronger it will be tempted to bring good by doing evil. Horrified by the resulting injustices, Christians themselves will be more than ordinarily tempted to fight fire with fire, injustice with injustice. Christian political scholars must be prepared to resist this temptation, because for a long time to come, it will probably grow more and more intense.

## **2.12. Strangers In A Strange Land**

*Scripture instructs Christians to be good citizens, but also instructs us to remember that in the final analysis we are merely strangers in this world; our true country is heaven. How can these teachings be harmonized?*

Christians have dual citizenship. The government calls us citizens, and in one sense, so we are -- we have real citizenship responsibilities here on earth:

Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do wrong and to praise those who do right. For it is God's will that by doing right you should put to silence the ignorance of foolish men. Live as free men, yet without using your freedom as a pretext for evil: but live as servants of God. Honor all men. Love the brotherhood. Fear God. Honor the emperor. (1 Peter 2:13-17, RSV.)

Yet God commands us not to become too comfortable with our age and country, not to settle into the standards and outlook of our culture, because in this world we are merely strangers, exiles, sojourners. According to the book of Philippians, our true commonwealth is in heaven. (Philippians 3:20.) According to the book of Ephesians, our real fellow citizens are the saints (Ephesians 2:19). The book of Hebrews uses the same language, when it holds up as models the Old Testament heroes who died before Jesus came:

These all died in faith, not having received what was promised, but having seen it and greeted it from afar, and having acknowledged that they were strangers and exiles on the earth. For people who speak thus make it clear that they are seeking a homeland. If they had been thinking of that land from which they had gone out, they would have had opportunity to return. But as it is, they desire a better country, that is, a heavenly one. Therefore God is not ashamed to be called their God, for he has prepared for them a city. (Hebrews 1:13-16, RSV.)

These two truths -- the truth about our lower, earthly citizenship and the truth about our higher, heavenly citizenship -- are difficult to harmonize, and yet they must be harmonized. We must avoid both *civil religionism*, which emphasizes the former truth at the expense of the latter and idolizes the state, and *pietism*, which emphasizes the latter truth at the expense of the former and withdraws from the public square.

This article is excerpted from "The Scope and Purpose of Christian Political Scholarship" by J. Budziszewski, Departments of Government and Philosophy, The University of Texas at Austin.

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## Why Politics?

"Civil authority is a calling, not only holy and lawful before God, but also the most sacred and by far the most honorable of all callings in the whole life of mortal men."

- John Calvin

"...the task is a matter of calling, of vocation. We are called to a political theory that assumes the moral law which no one else dares avouch, and poses the questions which no one dares to ask. We are called to a public apologetics that connects the dots of our nation's fragmented moral consciousness, and reminds people of what they know already. We are called to a civic rhetoric that dissipates smokescreens, and disperses self-deceptions. There are no such political theory, public apologetics, and civic rhetoric today. We are charged to found them. We are charged to be sustainers of this ever-perishing world, stewers of preserving salt, apostles of common grace. We are charged to prepare, by these lesser means, the way for the greater grace that saves, to make straight a highway for the King, Whose hem, but by grace, we are not fit to touch."

--J. Budziszewski

## Natural Law

*The foundational moral principles are not only right for all, but at some level known to all.*

Once upon a time it was possible for a philosopher to write that the foundational moral principles are “the same for all, both as to rectitude and as to knowledge”—and expect everyone to agree. To say that these principles are the same for all “as to rectitude” means that they are right for everyone; in other words, deliberately taking innocent human life, sleeping with my neighbor’s wife, and mocking God are as wrong for me as they are for you, no matter what either of us believes. To say that they are the same for all “as to knowledge” means that at some level, everyone knows them; even the murderer knows the wrong of murder, the adulterer the wrong of adultery, the mocker the wrong of mockery. He may say that he doesn’t, but he does. There are no real moral skeptics; supposed skeptics are playing make-believe, and doing it badly.

As I say, once upon a time a thinker who wrote such words could expect nearly everyone to agree. And nearly everyone did. The Christians agreed, the Jews agreed, and the Muslims agreed. Moreover, they could call to their support the consensus of the rest of the human race. One might search the wide world over for a people who did not know the moral basics, but one would fail.

To be sure, the wide world over people also carved out excuses for themselves. I must not sleep with my neighbor’s wife—but I can make my neighbor’s mine. I must not mock deity—but I can ascribe deity to a created thing instead of the Creator. And so, not only was moral knowledge universal, but the determination to play tricks on the moral knowledge was universal, too. A law was written on the heart of man, but it was everywhere entangled with the evasions and subterfuges of men. Even so that law endured; and even so it was seen to endure.

Today all that has changed. A thinker who writes such words can no longer expect most people to agree. In fact he must expect most people to disagree. He will be told that the foundational moral principles are plainly *not* the same for all, probably not even as to rectitude, and certainly not as to knowledge. They may not even be right for all, and they are certainly not known to all.

For example, don’t we disagree profoundly about all three of the great matters I mentioned above—death, sex, and God? Consider death. An entire generation has now come of age taking for granted the liberty to kill one’s children in the dim, soft refuge which was once considered the safest of all: the womb. The latest social movements seek to extend this strange liberty to other sorts of killing, especially infanticide and euthanasia. Whereas once it was thought that the helpless had the greatest claim of protection, now it is held that they have the least. Most medical schools have rewritten the Hippocratic oath to accommodate the view that a physician may be a killer as well as a healer.

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### Biblical Basis for Natural Law

- The laws that we can’t not know—what the apostle Paul says “...they show the work of the law written in their hearts, their consciences bearing witness.” Romans 2:14-15 NKJ
- Thomas Aquinas gives best summary of Natural Law when he said that the core principles of the moral law are the same for all “both as to rectitude and as to knowledge”—in other words that they are not only right for all but known to all.
- Examples of Natural Law:
  1. witness of conscience (Romans 1:18, 2)
  2. witness of Godward longing (Acts 17)
  3. Witness of His Handiwork (Ps. 19:1-6, Ps. 104, Acts 14:17, Romans 1:20)
  4. Witness of the harvest (Prov. 1:31, Jer. 17:10, Hos. 10:12, Gal. 6:7)
  5. Witness of our design (Romans 1:26-27)

**“Think of a country where people were *admired* for running away in battle, or where a man felt *proud* for double-crossing all the people who had been kindest to him. You might just as well try to imagine a country where two and two made five.”—C.S. Lewis**

For more in depth information on Natural Law read:

Budziszewski, J. *The Revenge of the Conscience: Politics and the Fall of Man*, Dallas: Spence Publishing Company, 1999.

Budziszewski, J. *What We Can’t Not Know*. Dallas: Spence Publishing Company, 2003.

### **Additional Scripture on Government:**

- Romans 13:1-10
- I Peter 2:13-14
- Matthew 5: 14
- Matthew 6:18-21
- Deuteronomy 2:37-38
- Jeremiah 27:5-9, 12

### **Why Christians Should Get Involved in Politics**

1. Politics is a proper concern for Christians. “. . . Christians have an important role to play in the organization that most people think of as 'government' -- the state. Indeed, believers have a Biblical obligation to be involved in civic affairs, since that sphere, no less than the private realm, is subject to God's rule and requires a generous dose of Christian 'salt.'" Doug Bandow, *Beyond Good Intentions: A Biblical View of Politics*, (Westchester, IL: Crossway Books, 1988), p. 148.
2. The political realm falls under God's command. "If while evangelizing we abandon the sociopolitical realm to its own devices, we shall fortify the misimpression that the public order falls wholly outside the command and will of God, that Christianity deals with private concerns only; and we shall conceal the fact that government exists by God's will as His servant for the sake of justice and order." Carl F.H. Henry, *Twilight of a Great Civilization*, (Westchester, IL: Crossway Books, 1988), p. 20.
3. Involvement in politics proceeds from a concern for the individual. "Christians realize that man's fallen nature has severe implications for every aspect of his life, including the political realm. The American system of checks and balances, therefore, is embraced by Christians in their political theory because it is a genuine attempt to curtail man's sinful tendencies not only among the private citizens but also among their governors. "A Christian worldview is also indispensable for guaranteeing basic human rights for individuals. Because the Christian believes man is *created in the image of God*, he believes that each individual has value." David A. Noebel, *Understanding the Times: The Story of the Secular Humanist, Marxist/Leninist and Biblical Christian Worldviews*, (Manitou Springs, CO: Summit Press, 1991), pp. 624-625.

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### **Excursion on The influence of Christianity on the Declaration and Constitution**

By Dr. H. Wayne House  
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Scholars have long recognized the influence of the Bible<sup>112</sup> and the Christian religion on the development of Western law, but many have rejected the influence on the organic documents of our government, namely the Declaration of Independence and the Constitution of the United States. It is thought that the Declaration was written from purely an enlightenment perspective relying on natural law and that the Constitution is a totally secular document, intentionally so, to avoid the types of religious divisions<sup>113</sup> that occurred in the lands from which they came.

We have already seen how John Locke was an important figure for the War for Independence<sup>114</sup> but after this period his writings gained little hearing.<sup>115</sup> The people were moving to the matter of how to structure this new government that began in 1776. Other sources were used in the political rhetoric of the day.<sup>116</sup> The most quoted book of the period from 1760-1805 in the political writings of the day was the book of Deuteronomy (the law book), in the Bible, accounting for thirty-four percent of all the quotes.<sup>117</sup> The person, after Montesquieu, who was most quoted in the era immediately before and after the drafting of the Constitution was Blackstone<sup>118</sup> and almost as much as Locke during the period leading up to the Declaration.<sup>119</sup>

Several key statements of the Declaration may reflect Blackstonian thought. The phrase “laws of nature and of nature’s God”<sup>120</sup> particularly reminds one of Blackstone’s emphasis on this two-fold view of law. Following Burlamaqui and Pufendorf, Blackstone saw nature as having certain laws established by God which expressed the will of God and were superior to any contrary law made by men:<sup>121</sup>

[W]hen the Supreme Being formed the universe, and created matter out of nothing, he impressed certain principles upon that matter, from which it can never depart, and without which it would cease to be. When he put that matter into motion, he established certain laws of motion, to which all moveable bodies must conform.<sup>122</sup>

Consequent to this initial postulate of Blackstone, he continues:

Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being . . . . And, consequently, 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. For as God, when he created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion; so, when he created man, and endued him with free-will to conduct himself in all parts of life, he laid down certain immutable laws of human nature . . . . These are the eternal, immutable laws of good and evil.<sup>123</sup>

Since God’s laws in nature are preeminent over human laws, human laws are invalid when in conflict with them:

This law of nature being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity if contrary to this; and such of them as are valid derive all their force and all their authority mediately or immediately, from this original.<sup>124</sup>

Blackstone did not only consider the “laws of nature” as a standard of law for human laws to conform, he viewed the divine law, the Holy Scriptures as even a clearer standard:

[I]f our reason were always, as in our first ancestor [Adam] before his transgression, clear and perfect, unruffled by passions, unclouded by prejudice, unimpaired by disease or intemperance, the task would be pleasant and easy; we should need no other guide but this [i.e., the law of nature]. But every man now finds the contrary in his own experience; that his reason is corrupt, and his understanding full of ignorance and error.

This has given manifold occasion for the benign interposition of divine providence; which, in compassion to the frailty, the imperfection, and the blindness of human reason, hath been pleased . . . to discover and enforce its laws by an immediate and direct revelation. The doctrines thus delivered we call the revealed or divine law, and they are to be found only in the holy scriptures . . . . These precepts [the ones written in the holy Scriptures]. . . , when revealed, are found on comparison to be really a part of the original law of nature, as they tend in all their consequences to man’s felicity. But we are not from thence to conclude that the knowledge of these truths was attainable by reason, in its present corrupted state; since we find that, until they were revealed [in writing], they were hid from the wisdom of the ages. As then the moral precepts of this law are indeed of the same original with those of the law of nature, so their intrinsic obligation is of equal strength and perpetuity.<sup>125</sup>

Titus explains the practical outworking of Blackstone’s comments:

In other words, God’s putting in written form, “Thou shalt not murder” (Ex. 20:13) did not make murder wrong, but His putting the rule in writing revealed more effectively to fallen people the original law protecting the sanctity of human life that God had placed and revealed in the created order

from the beginning. Murder was wrong, therefore, because it was contrary to the nature of people and to the very nature of God's creation.<sup>126</sup>

How did Blackstone view the disobedience to a human law that came into conflict with God's law in nature or Scripture? He walked in the train of many before him: "Nay, if any human law should allow or injoin us to commit it [an act contrary to divine or natural law], we are bound to transgress that human law, or else we must offend both the natural and the divine."<sup>127</sup> One can readily see that young men reading Blackstone, coupled with the thinking of Locke, could easily be led to confront England who seemed to place itself above just laws in dealing with the colonies.

Blackstone may not be the only Christian influence on the Declaration. According to Gary Amos, the Declaration is not merely a theistic document, that few could dispute, but is distinctly Christian in nature: "When we examine the terminology, argument, and logical structure of the Declaration, we find them to be consistent with the Bible and Christian teaching."<sup>128</sup> This is in stark contrast to the pervasive influence of Carl Becker, whose ideas on the primary enlightenment influence on the Declaration has held sway for seventy years.<sup>129</sup> I am compelled by the arguments of Amos that the primary influence on the Declaration was Christian in nature, but certainly not devoid of those enlightenment influences of men like Locke whose enlightenment thinking was tempered (the reason I have called it conservative above) with the Christian worldview and biblical guidance. This is notwithstanding the contribution to the Declaration by Jefferson. But we must bear in mind that a committee wrote the Declaration, not Jefferson alone, and that the Declaration is not a person letter of Jefferson to King George; it is a statement from the colonists,<sup>130</sup> and written with that in mind, who were almost entirely Christian, and written to the King and England, who also were Christian.

Edward Humphrey's listing of Christian terminology is convincing that the Declaration and other documents of the time reflecting Protestantism.

The multiplicity of references to the Deity in the Declaration reflects similar invocations in the proclamations and other state papers of the Continental Congress. These unabashedly exhibited a belief in Trinitarian Protestantism. Congress continually invoked, as sanction for its acts, the name of "God," "Almighty God," "Nature's God," "God of Armies," "Lord of Hosts," "His Goodness," "God's Superintending Providence," "Providence of God," "Providence," "Supreme and Universal Providence," "Overruling Providence of God," "Creator of All," "Indulgent Creator," "Great Governor of the World," "The Divinity," "Supreme Disposer of All Events," "Holy Ghost," "Jesus Christ," "Christian Religion," "Free Protestant Colonies," and other expressions of devout Christian Protestantism.<sup>131</sup>

The Constitution, as well, is a document that reflects a Christian worldview. Let me be clear, the Constitution is a federal document, first of all, seeking to provide a structure to a government begun with the Declaration, and limiting the power of the government in deference to individual state governments.<sup>132</sup> It is not a theological document or creed, so largely absent of such terminology.<sup>133</sup> At the same time it is not an anti-Christian document either.<sup>134</sup> One would be surprised to find, in a document like the Constitution, terms as found in the Declaration, but there are internal signs of the influence of Christian ideas in the Constitution that many in the early days of the Republic sought to demonstrate.<sup>135</sup> For my purpose, it is sufficient to mention but a few examples of Christian influence to illustrate that Christianity and the federal government are not intended to be at opposite poles or separated by a high and impenetrable wall.<sup>136</sup>

Before the drafting and passage of the First Amendment guaranteeing "free exercise" of religion, the Constitution had already contained provisions for such a doctrine. The Constitution provides in Article VI that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."<sup>137</sup> Such a statement was not denying religious tests in the various states, however, for

[m]any in the founding generation supported a federal test ban because they valued religious tests required under state laws, and they feared a federal test might displace existing state test oaths and

religious establishments. Even among the most ardent proponents of Article VI, few denied the advantage of placing devout Christians in public office.”<sup>138</sup>

A second provision relating to oaths was the matter of taking oaths. Certain Christians would not take oaths, for religious reasons, such as the Quakers, so the authors deferred to them in the writing of the document by adding “affirmation.” Oaths in the eighteenth century carried religious import, a solemn statement before the Supreme Being and affirmation carried the same idea.<sup>139</sup> Michael McConnell properly observes that these two elements – no religious tests and the affirmation exception to the taking of oaths – “reflect a spirit and purpose similar to that of the (First Amendment’s) free exercise clause.”<sup>140</sup> Another minor implicit indication of the Framers’ concession of Christianity in the Constitution is providing for a Sunday exception in the signing of legislation.<sup>141</sup>

Two explicit examples of Christian ideas in the Constitution are the mention of the “year of our Lord” in Article VII, and the recognition of the Declaration as the proper preamble to the Constitution. Regarding Article VII, there is no question that this dating method was the common method in the Christian west and was used regularly on official documents. Unlike the French calendar, which began a new calendar with the revolution,<sup>142</sup> the colonists maintained association with their Christian past. Such continuance, though significant to many nineteenth century commentators,<sup>143</sup> gives but a small benefit to the Christian nature of the Constitution. More significant, in my opinion is the argument that the Declaration is the preamble to the Constitution, so that the documents, though different in nature, serve as one organic whole.

The Declaration of Independence, an unarguably theistic, if not Christian document, may be understood as the preamble to the Constitution. As Donald Lutz says,

After approving the Declaration, the Continental Congress turned to writing a national constitution. The Articles of Confederation that resulted proved defective in important respects. As a result, the new Constitution of 1787 replaced the Articles. The Declaration, however, continued to stand as the preface to the American national compact. The Constitution begins, “We the people of the United States, in order to create a more perfect union.” The people already exist, and exist in a political union. This can be only if there is a first part to a compact of which the Constitution is the second part. There is no document that can be pointed to as fulfilling such a role other than the Declaration of Independence. To say that we live under a national compact of which the Declaration is the first part may sound a bit strange at first, but it would be stranger still to have begun our national bicentennial in 1976 if the Declaration of Independence was not part of our national founding.<sup>144</sup>

Another line of argument that demonstrates the relationship between these two documents is found in the Constitution itself. The Constitution, in several places, connects the founding of the government with the Declaration of the Independence, and upon which it relies for its philosophical foundation.

The first line of evidence, however, is from the Declaration itself. The heading to the Declaration is “The Unanimous Declaration of the Thirteen United States of America.”<sup>145</sup> The document, then, portends to come from the “one people” of the United States of America, though of course the manner in which the states will relate to each other is uncertain until after the ratification of the Constitution in 1791. They wanted the world to know that they were a new nation, rightly independent of England. Second, the Declaration toward the end concludes, “We, therefore, the representatives of the United States of America, in General Congress, assembled.”<sup>146</sup>

The Constitution written in 1787 was “for” the nation already formed in 1776. Further evidence that this was the way the Framers of the Constitution viewed the situation is found within the Constitution itself.<sup>147</sup> Article I, §2(2), requires that the representatives must have been “seven years a citizen of the United States”<sup>148</sup> before holding office. Such a requirement presupposed the existence of the nation in order for the House of Representatives to convene in 1789. A similar example is found regarding senators in Article I, §3(3) but “nine years a citizen of the United States . . .”<sup>149</sup> Unless the government already existed, they would need to wait nine years to meet after 1789. One more qualification clause is used with similar import, that of President. The pertinent clause reads (Art. II, §1(5)), “No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of

this Constitution, shall be eligible to the office of President . . . and been fourteen years a resident within the United States.”<sup>150</sup> Cannada elucidates on this:

Clearly, this provision recognizes that there could a “natural born citizen” at the time of the adoption of the Constitution and thus “citizenship” did exist prior to the time of the adoption of the Constitution. It is also interesting to note that the “residence” requirement went even beyond the date of the Declaration and that the term “resident” was used rather than the term “Citizen”. There was no such thing as a Citizen until the nation was established and that was done by the adoption of the Declaration.<sup>151</sup>

The last indication of the existence of the United States from the time of the Declaration is found at the very end of the Constitution. It concludes, “DONE in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the Independence of the United States of America the twelfth.” The unanimous consent was from “states present” at the Declaration.

The Declaration of Independence and the Constitution worked together to provide the soul and the body of the law for the proper ordering of society, maintaining morality and civility for the majority of the nation’s governmental history. These documents should not be separated. The Declaration sets forth the principles upon which the government of the nation was to be founded, whereas the Constitution establishes the civil powers to accomplish the principles of the Declaration. In view of this, the Constitution cannot be viewed as absent the theological ideas that permeate the Declaration. This perspective gives meaning to the words of John Quincy Adams who said, “The highest glory of the American Revolution was this; it connected in one indissoluble bond the principles of civil government with the principles of Christianity”<sup>152</sup> and “From the day of the Declaration . . . they (the American people) were bound by the laws of God, which they all, and by the laws of The Gospel, which they nearly all, acknowledge as the rules of their conduct.”<sup>153</sup>

One last example puts the coup d’grace on this argument. Cannada illustrates:

[I]t is significant that as states were subsequently admitted into the Union the statutes admitting such admission provided that they would be admitted with “equal footing” or to the “same footing” as the original states. In fact, the admission statutes for thirteen states, including the states of Alaska in 1958 and of Hawaii in 1959, contained language such as that their respective Constitutions “shall be republican in form . . . and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.” Thus we have Congress, as late as 1959, protecting the structure of the government of this nation . . . .<sup>154</sup>

Accordingly, each state in the union, with the exception of Oregon, specifically make reference to either Almighty God, the Supreme Ruler of the Universe, God, Creator, or Supreme Being, being consistent with the Declaration, upon whom the principles of the Declaration rely.<sup>155</sup>

## NOTES

<sup>112</sup> For example, René Cassian and Charles Malik, important leaders in the development of the Universal Declaration of Human Rights saw these rights built on the Ten Commandments. JOHN WARWICK MONTGOMERY, HUMAN RIGHTS AND HUMAN DIGNITY, 275, n. 23 (1986). This was confirmed when I attended the *Institut International des Droits de l’Homme* (International Institute of Human Rights) at the University of Strasbourg in July, 1998. Two of the speakers – Professor Boyle of the University of Essex and Professor M. Camille Kuyu Mwissa of the Catholic University of Central Africa and University of Paris – specifically acknowledged the dependence of the Declaration on Christian views, though Professor Boyle explained that resistance from Marxist countries caused the Framers to make the language ambiguous; other examples exist in the development of criminal law (see Witte and Arthur, *supra* note 80, at 433), tort law (see Cook, *supra* note 81), and contract law (see Harold J. Berman, *The Religious Sources of General Contract Law: An Historical Perspective* 103, 4 J. L. & RELIGION (1986)), to mention only a few.

<sup>113</sup> See Dreisbach, *supra* note 55, at 961-62.

<sup>114</sup> See *supra* text accompanying notes 83-83.

<sup>115</sup> Lutz, *supra* note 104, at 192-193.

<sup>116</sup> See *infra* APPENDIX for graphs of the thinkers and sources quoted during the period of 1760-1805.

<sup>117</sup> Lutz, *supra* note 104, says:

Anyone familiar with the literature will know that most of these citations come from sermons reprinted as pamphlets; hundreds of sermons were reprinted during the era, amounting to at least 10% of all pamphlets published. These reprinted sermons accounted for almost three-fourths of the biblical citations, making this nonsermon source of biblical citations roughly as important as the Classical or Common Law categories.

*Id.* at 192.

<sup>118</sup> D.S Lutz and C.S. Hyneman reviewed 15,000 items in the political writings between 1760-1805, reading closely 2,200 with explicitly political content. Included were all books, pamphlets, newspaper articles, and monographs printed for public consumption. Lutz, *supra* note 104, at 191; see also AMERICAN POLITICAL WRITING DURING THE FOUNDING ERA 1760-1805 (Charles S. Hyneman and Donald S. Lutz eds., 1983).

<sup>119</sup> He is quoted more than two and one-half times that of Locke (see APPENDIX for chart). Probably this is because his writings are strong on governmental process, operation, and interaction of institutions.

<sup>120</sup> The Declaration of Independence para. 1 (U.S. 1776).

<sup>121</sup> This latter idea has been held by Augustine, Thomas Aquinas, Samuel Rutherford in *Lex Rex*, and adopted by Dr. Martin Luther King Jr. King cites Aquinas saying, "An unjust law is a human law that is not rooted in eternal law and natural law." MARTIN LUTHER KING, JR., WHY WE CAN'T WAIT 85 (1964). Also he writes, "All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of inferiority . . . segregation is not only politically, economically, and sociologically unsound, it is morally wrong and sinful." *Id.* at 85. Ironically, "[t]he late Austrian legal theorist Hans Kelsen stated that an unjust law is a contradiction in terms, because it is law itself that sets the standard for what is just. Indeed, although Kelsen was Jewish, the anti-Semite Hitler availed himself of Kelsen's arguments in setting up his totalitarian system." Brown, *supra* note 62, at 123.

<sup>122</sup> WILLIAM BLACKSTONE, 1 COMMENTARIES ON THE LAWS OF ENGLAND 38-39.

<sup>123</sup> *Id.* at 39.

<sup>124</sup> *Id.* at 41.

<sup>125</sup> *Id.* at 41-42, quoted in Herbert W. Titus, *God's Revelation: Foundation for the Common Law*, in THE CHRISTIAN AND AMERICAN LAW: CHRISTIANITY'S IMPACT ON AMERICA'S FOUNDING DOCUMENTS AND FUTURE DIRECTION 19-20 (H. Wayne House ed., 1998).

<sup>126</sup> Titus, *supra* note 125, at 20.

<sup>127</sup> BLACKSTONE, *supra* note 122 at 40.

<sup>128</sup> GARY AMOS, DEFENDING THE DECLARATION: HOW THE BIBLE AND CHRISTIANITY INFLUENCED THE WRITING OF THE DECLARATION OF INDEPENDENCE 128 (1989). See also Gary Amos, *The Philosophical and Biblical Perspectives That Shaped the Declaration of Independence*, in THE CHRISTIAN AND AMERICAN LAW 49-82. See discussion of the Christian nature of the Declaration in Dreisbach, *supra* note 55, at 969.

<sup>129</sup> See BECKER, *supra* note 83.

<sup>130</sup> Lutz, *supra* note 84, at 36. "Contrary to popular belief today, Jefferson did not write the Declaration of Independence de novo. As Jefferson himself later explained, he pieced it together from the political literature of his time to 'reflect the American mind.'" *Id.* at n. 18 (alluding to Jefferson's letter to Henry Lee on May 8, 1825, 10 THE WRITINGS OF THOMAS JEFFERSON 343 (P. Leicester Ford ed. 1899)).

<sup>131</sup> EDWARD FRANK HUMPHREY, NATIONALISM AND RELIGION IN AMERICA, 1774-1789 407 (1924), quoted in Leo Pfeffer, *The Deity in American Constitutional History*, 23 J. CHURCH & STATE 215, 217 (1981).

<sup>132</sup> Approximately half of the delegates to the federal convention of 1787 had been representatives at their state conventions where the documents were replete with religious references. In the federal (not national) constitution, such references are largely, though not totally omitted, since none really believed that the federal government should be involved in furtherance of religion, leaving this alone for the state to determine. David E. Maas, *The Philosophical and Theological Roots of the Religious Roots of the Religious Clause in LIBERTY AND LAW: AMERICAN LIFE AND THOUGHT* 1, 7 (Ronald A. Wells & Thomas A. Askew eds., 1987).

<sup>133</sup> For a discussion of reasons why some believe statements regarding God and the Christian religion are omitted from the Constitution, see Dreisbach, *supra* note 55, at 955-964.

<sup>134</sup> For the various type of explicit and implicit references to God and the Christian religion in the Constitution, see *id.* at 964-994.

<sup>135</sup> For example, Knicely, at *supra* note 25, at 265, indicates the position of Jasper Adams, strong advocate for the Christian nature of the Constitution:

The failure to express more sympathy to religion in the Constitution, however, was in Adam's view by design, just as the Constitution left unstated other fundamental truths, such as the inalienable rights of the people, the political sovereignty of the people, and the right of the people to resist and abolish tyranny. *Id.*

<sup>136</sup> See generally JOHN EIDSMOE, CHRISTIANITY AND THE CONSTITUTION (1987).

<sup>137</sup> For the meaning of the oath and religious test in the Constitution see Maas, *supra* note 132, at 1-23.

<sup>138</sup> Dreisbach, *supra* note 55, at 951.

<sup>139</sup> See *id.* at 981-986.

<sup>140</sup> Michael W. McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 HARV. L. REV. 1409, 1473 (1990), *quoted in* Dreisbach, *supra* note 55, at 983.

<sup>141</sup> See Dreisbach, *supra* note 55 at 974-75.

<sup>142</sup> *Id.* at 965-96.

<sup>143</sup> *Id.* at 966.

<sup>144</sup> Lutz, *supra* note 84, at 37. See also Dennis J. Mahoney, *The Declaration of Independence as a Constitutional Document, in* THE FRAMING AND RATIFICATION OF THE CONSTITUTION 54, 65 (Leonard W. Levy & Dennis J. Mahoney eds., 1987) (arguing that the Declaration of Independence “is the real preamble to the Constitution”) (*cited in* Dreisbach, *supra* note 55, at 184).

<sup>145</sup> The Declaration of Independence, heading (U.S. 1776).

<sup>146</sup> The Declaration of Independence, para. 32 (U.S. 1776).

<sup>147</sup> I am indebted for some of these observations to an unpublished paper by Cannada, *Inalienable Rights and the Declaration of Independence* 6-7 (1992).

<sup>148</sup> U.S. Const. art. I, §2(2).

<sup>149</sup> U.S. Const. art. I, §3(3).

<sup>150</sup> U.S. Const. art. II, §1(5).

<sup>151</sup> Cannada, *supra* note 147, at 6.

<sup>152</sup> THORNTON, *supra* note 2, *quoted in* FEDERER, *supra* note 2, at 18.

<sup>153</sup> *Id.*

<sup>154</sup> Cannada, *supra* note 147, at 7.

<sup>155</sup> For example, California, the state of my citizenship has in its preamble, “We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.” CALIFORNIA CONST. preamble (amend. Nov. 5, 1996).

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## **An Epidemic of Lawbreaking**

San Francisco’s Gay ‘Marriages’  
BreakPoint with Charles Colson

February 26, 2004

*Note: This commentary was delivered by Prison Fellowship President Mark Earley.*

A little story in the *Washington Post* sums up what’s really going in San Francisco. Reporter Evelyn Nieves had just described how San Francisco Mayor Gavin Newsom had decided to violate state law simply because he didn’t like it: He ordered city and county officials to issue marriage licenses to homosexuals who wanted to “marry.” As a result, thousands of homosexuals have defied the law, taking part in so-called “weddings.”

Until days ago, the state attorney general of California—whose job it is to enforce state law—refused to intervene. So did Superior Court Judge Ronald Quidachay: He refused to issue even a temporary injunction stopping San Francisco’s illegal marriages until he rules on a lawsuit. In effect, he’s telling Californians to go ahead and break the law—well, not just any law, as a handful of protesters found out.

Last week a dozen Christians blocked the door to the San Francisco office that is issuing these illegal marriage licenses, and sheriff’s deputies didn’t waste any time escorting them from the building. After all, they were breaking the law!

The story illustrates what happens when government officials refuse to uphold the rule of law. We have anarchy and the beginnings of tyranny.

If that sounds extreme, consider what happens whenever pro-life citizens try to change the law. When I was attorney general in Virginia, the legislature passed a bill banning partial-birth abortions. The new law was properly debated and voted on. Nevertheless, a federal judge immediately slapped an injunction on it while the abortion lobby pursued a lawsuit. The story was the same in many other states. Judges invented reasons for shooting down every single one of them.

And the same thing happens whenever states pass parental notification laws and parental consent laws. And heaven help the pro-lifers who engage in civil disobedience at abortion clinics. They’re not feted in the pages of the *New York Times*, as Mayor Newsom has been. Instead, they’re punished under RICO statutes.

To put it another way: Suppose a pro-life mayor announced he was revoking the licenses of clinics that perform abortions. How long do you think pro-abortion lawmakers would put up with that? They'd probably call in federal troops and have the mayor thrown in jail immediately. But ask lawmakers to take on the gay lobby, and they shrivel up like California raisins.

What's going on in California is truly frightening. When the rule of law breaks down, citizens no longer respect authority. In time, lawlessness becomes widespread, and people begin to long for order and safety. They look to anyone who promises to restore it—no matter what the cost in freedom. And history teaches us that they often look in all the wrong places.

Christians must understand the complexity of these arguments as events in California and around the nation unfold. We must help our neighbors understand that what's at stake is not just the sanctity of marriage, as important as that is. What's also at stake is the future of the American experiment—of the ordered liberty and rule of law our Founders created.

America's mayors and judges would do well to remember that—and so should we, before it's too late.

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## **A Sacred Duty: Why Christians Must Vote**

**By Charles Colson**

This fall Americans will go to the polls and elect a president -- one who will influence the direction in which the country's moral compass will point. But according to a recent report, only a third of evangelical Christians -- those who ought to be most concerned with moral values -- will actually vote.

These are shocking figures. Of all people, we ought to vote, not just as a right, but as a spiritual duty. All it takes is to lose your right to vote, as I did once, to know how precious that is.

The Rev. Curt Young in Silver Spring, Maryland, told his flock just before the last presidential election why they needed to vote. Just a short distance from his church is the Capitol, the Supreme Court, and the offices of Congress. Young wanted his congregation to know that the Scriptures have a lot to say about our responsibility to choose leaders.

It was such a good message that I want to offer you a part of it today. In Deuteronomy 16, he pointed out, Moses tells the Israelites: "You shall appoint judges and officials for each of your tribes . . . and they shall judge the people."

The term judges and officials covered all government leaders. Besides hearing cases and rendering decisions, they set public policy and could even call out the military in a crisis.

Given these heavy responsibilities, the criteria for selecting judges were strict. They were to be men who feared God, who were committed to the truth, and who hated dishonest gain. And they were warned: "You shall not pervert justice; you shall not show partiality; and you shall not take a bribe, for a bribe . . . subverts the cause of the righteous."

When Moses commanded the Israelites to appoint God-fearing leaders, he wasn't just talking to a handful of citizens who felt like getting involved. Young noted that the command was directed to all citizens. And modern Christians are under the same obligation to choose leaders who love justice.

Ironically, the Scriptures warn that if we value prosperity over justice, we'll end up losing both. Moses told the Israelites to "follow justice and justice alone." He follows this command with a promise that they will "live and possess the land the Lord your God is giving you." In other words, if you want prosperity, choose leaders committed to justice.

In the Old Testament, God often sent people to find particular individuals to lead. Today, in our modern democracy, free citizens act as God's agents for choosing leaders, and we do it by voting.

So there's no excuse for those who don't take the trouble to vote. But to vote, you have to register. That's why, in answer to MTV's Rock the Vote, a group of Christian musicians are endorsing an effort called Redeem the Vote. At Christian rock concerts and festivals throughout the summer groups like Verbs and Joshua 33 will be encouraging Christian young people to register by visiting the Redeem the Vote booth at the concert or to register online at [www.redeemthevote.com](http://www.redeemthevote.com).

While polls show that Christian young people care about the issues that have an impact on our lives, most of them are not registered to vote. That means they are left out of the political process. Redeem the Vote wants to change that. So register today, get young people to register, and then, in November, get out of the pews and into the polling booth to perform our sacred duty of choosing our leaders.

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## **Effective Political Action**

By Dr. Terry Moffitt

“If the next Centennial does not find us a great nation...it will be because those who represent the enterprise, the culture, and the morality of the nation do not aid in controlling the political forces.”

—President James A. Garfield

### 1. **Focus Your Efforts**

- A. **Define Your Mission:** There should be a definite reason why you are mobilizing for action. Many individuals and groups make the mistake of organizing first and then determining their mission and purpose. This can result in high group attrition. A wise first step is to compose a statement of purpose so you can clearly articulate your goals and objectives.
- B. **Become Knowledgeable in the Areas in Which You will be Working:** It is important that you become as knowledgeable as possible about the issues on which you will be working. The Center for Reclaiming America can recommend resources relevant to your situation. We suggest that you also stay up-to-date through your local newspaper, library, and current periodicals. Ongoing research will also help you stay focused on your goals and serve as a constant reminder of why you decided to get involved in the first place.

2. **Organize for Victory.** Elected officials pay more attention to a chorus than a solo. It will therefore be necessary for you to multiply your voice. The most effective way is by locating others who have the same goals as you and are willing to work for them.

3. **Find people that support your position.** Do you ever wonder if you are the only one who understands what needs to be changed in our world? Have heart, you aren't. As you begin organizing you will find that there are many Christians who see the same need for change that you do. They just do not know how to bring it about. How do you find them? Often you don't have to. As your desire to restore Christian values becomes known, many will find you. Others you will need to recruit. As you seek potential workers, ask yourself several questions:

- Who is already active in our efforts?
- Who is not participating but has shown an interest?
- What obstacles, if any, are preventing people from taking part in our efforts?
- What must be done to overcome obstacles so that more people will participate?
- What information and assistance is needed from outside groups to achieve our goals?

Some ways to gather support include:

- Talk with your friends, neighbors, co-workers, and relatives. Tell them what you are doing and see if they have the same concerns as you.
- Produce a one-page flyer outlining the issue and telling people how to contact you if they would like to get involved.
- Actively recruit others at local political, civic, and campaign events. Write letters to the editor and send them to the area newspapers. As others join you, have them do the same thing.
- Call local radio talk shows and explain why the issue is important and what you are doing about it.
- Once you are used to dealing with the press, send information to area radio and television stations telling them about yourself and what you are attempting to do. Let them know that your group's spokesperson would be happy to appear as a guest.
- Tell your pastor what you are doing and see if you can speak to the area ministerial alliance.
- Address local Christian business organizations. As you work through lists such as this, you will quickly find that one person or organization will lead to another. Building a network of activists and utilizing their strengths is a necessary ingredient for victory. The Center for Reclaiming America can assist you in this effort by helping you identify groups who are already active in your area.

4. **Know Your Opposition.** It is unrealistic to think you can set about the task of restoring Christian values to this country without meeting with opposition. Therefore, it will be to your advantage to become familiar with your opponents. As a starting point you might want to ask questions such as this:

- Who is likely to oppose our efforts?
- Who are the key members of the opposition? Have they been involved in groups before? What methods have they used to get their message out on previous issues?
- What underlying issues are causing the disagreement?
- Listen to your opponents' concerns and try to put yourself in their shoes so you can gain a better understanding of their position.
- Seek common ground, but remember not to compromise on scriptural truths and principles. That is one of the reasons we are in this mess in the first place.
- Develop counter arguments and use all ethical and legal means at your disposal to effectively deliver your message.

Once you have identified your opponents and answered the initial questions about them, it is time to do some in-depth research on them. A better understanding of your opponents means better anticipation of their next move. Research their positions and alliances. Stay on the offensive, and the best way to do so is by staying one step ahead of your opponent.

5. **Get the word out.** The media is a key to your efforts to influence public policy. Consequently, it is important to establish credibility with the media at an early stage in your efforts. Relationships with media managers, editors, publishers, and reporters are vital even if they disagree with you and report what you are doing in a negative fashion. People need to know what you are doing and the least expensive way to do that is to get the local or state media to report on what you are doing and why.

A. Dealing with the media requires patience and persistence. Your first meeting with the local media may not result in immediate coverage but it should give you an idea of what

the media's needs and requirements are. Use the first meeting with members of the media to introduce yourself and explain what you are doing. The first meeting is also a good time to collect as much logistical information as possible about the media. When are their deadlines? Who is the reporter who will probably cover your efforts? How much notice do they usually need to schedule coverage of news conferences and other media events? What are their guidelines for letters to the editor?

- B. Determine what you want to accomplish and the message that you want to deliver when dealing with the media. A key factor in achieving this goal is to keep your message simple.
- C. If there are people in the community who can add force to your action through sharing a personal experience, make them available for the press. Identify a member of your group as the official spokesperson. Make sure this person is articulate, intelligent, and trustworthy. They must also be able to think on their feet and present a good image to the public. For those who don't know you, your group will be judged by the image projected by your spokesperson.

6. **Organize a Petition Drive**

- A. Clearly define what the petition is for in a short paragraph at the top of the petition.
- B. Meet with petition circulators to make sure that they have a firm grasp of what they are asking people to support.
- C. If you are trying to influence a local or state decision, then make sure that the people who sign the petition are either members of the community or state you are working in and are registered voters.
- D. The person circulating the petition should explain the petition and answer questions about it.
- E. The circulator should make sure the signer correctly fills in his or her name, street, post office box, city, village, or voter precinct before signing. This should be done in a legible fashion.
- F. The circulator should be polite and courteous and thank each person for their signature.
- G. Remind the circulators to politely move on as soon as they get a signature. Do not let someone prevent you from getting all the signatures possible. Delaying tactics are a favorite ploy of the opposition.
- H. Get as many signatures as you can. It is a good idea to get some estimate of how many signatures you need to influence your local officials. This may vary according to community and state size.
- I. Set a strategic time to turn the material in to the appropriate body. You may want to hold a media event to announce the beginning and the results, of the drive. Make copies of the petitions before you turn them in so that you will have them if the originals are "misplaced" by the officials.
- J. Follow up by letter and phone with the officials who receive the petitions. This will let them know that the interest in the issue did not end with the petition drive.

7. **Contact Elected Officials.** Elected officials unquestionably know how to count. They count votes, contributions, letters, phone calls, and constituent visits. In order to be a major part of their count you need to contact them on a regular basis. Each contact may be through a different method, but each will go far in persuading the official to see the issue from your viewpoint. Their telephone and address can be found in the front part of a telephone book in the white pages.

- A. When you call to set up an appointment with an elected official at his or her office, above the local level, you will want to speak with their scheduler or appointment secretary. Be specific about why you want the appointment and who will be there. Keep your request for time brief. Normally 15-20 minutes is what you can expect to schedule. Make a note to honor this time frame at the actual meeting. By showing respect for the official's time it will be easier to schedule future meetings with him.
- B. Arrive at the meeting site on time. Present yourself in a professional, respectful, dignified manner. Remember you are representing everyone who is working with you and a professional appearance adds credibility to your cause.
- C. You may meet with a staffer rather than the official. This is common practice above the local level, so do not feel offended or "brushed off."
- D. Be precise and concise in your presentation and bring printed matter to leave with the official or staffer.
- E. Know what you want the official to do and be able to articulate the request clearly.
- F. Be prepared to demonstrate that you speak for other constituents. This can be demonstrated by bringing petitions and letters to the meeting.
- G. You will want to begin to build a working relationship with the official's office, so do not be disappointed if it appears that you have not accomplished much in the first meeting. If you handle yourself well and begin to build rapport with the official's staff, you have had a successful visit.
- H. Summarize your discussions and your requests for action in a follow-up letter. This should be sent as soon as possible after the visit.

8. **Write Elected Officials.** The letters you write are very significant. Many legislators believe that your one letter represents the views of at least 100 other voters who did not take the time to express their opinions. Here are a few tips to remember when you write:

- A. **Be informed.** Get your facts straight. Quote experts on the topic or use actual news clippings to prove your point.
- B. **Be specific.** State the specific issue that concerns you and list the bill number or title, if you have it.
- C. **Be polite.** You should be firm, but courteous. Anger and sarcasm will not win any points with your reader.
- D. **Be original.** The most powerful letter is the one that you compose and write yourself.
- E. **Make it easy to read.** Typed letters are best, but handwritten letters are acceptable. If you write your letter by hand, be as neat as possible.
- F. **Ask for an answer.** You'll be surprised how fast you'll get a letter back! Ask your legislator to state his views on an issue, and ask how he intends to vote.
- G. **Be brief.** Cover only one topic and try to keep your letter to only one page.
- H. **Say thanks.** Most people write only when they disagree with the way their legislator votes. It's important to let him know you appreciate a favorable vote, too.
- I. **Don't preach.** Remember, you want to influence your legislator's vote, not convert him to your religion.
- J. **When to write.** Just before a key vote your legislator will receive a flood of mail. Your letter will be worth much more if you write as soon as a bill is introduced, then follow up your letter before the vote.
- K. **Recruit others to write.** To increase your impact and influence, consider hosting a letter-writing party. At this meeting the goal will be to help as many individuals as possible write a letter to their elected officials about your chosen issue. Have a sample letter on hand, but remember form letters are usually not effective. Legible handwritten letters can

be particularly effective and a letter-writing party is a good way to produce a great many of them.

L. **Address letters properly.**

- Use the address below when you write your senator or representative.  
The Honorable (first and last name)      The Honorable (first and last name)  
House of Representatives                      United States Senate  
Washington, D.C. 20510                      Washington, D.C. 20515
- Use the salutation Dear Senator (last name), or Dear Congressman or Congresswoman (last name).
- You will find the names and addresses of state and local officials at your public library or through your local voter registration office.

9. **Call elected officials.** Like letters, phone calls are used by officials to measure public opinion. Phone contact is usually most effective when a vote has been scheduled and the officials want to count supporters and opponents of the measure.

- A. When you call an elected official's office (above the local level) you will ordinarily speak with the staffer in charge of that specific issue. The staffer should be able to discuss the official's position with you if you have questions. Make sure the office knows who you are and where you live. If you are a constituent, your call will carry extra weight.
- B. Cover only one issue per call, and be specific about where you stand on the issue. Get right to the point and keep the call brief. You need to be ready to back your position up with some quick facts if you are asked why you feel the way you do. If the staffer does not know the official's position then ask to be called when the official decides.
- C. As in the other forms of contact, professionalism and dignity are the keys to building a working relationship with the office. Even if your position is different from the official's, the maintenance of a strong Christian attitude will allow your voice to be heard on future issues.
- D. Remember our elected officials were elected to serve us. You should not be intimidated by lawmakers, but do not be disrespectful to them either.

10. **Write letters to newspapers or other publications.**

- A. **Keep it brief.** Most letters should be no more than 200 or 300 words, as space is limited. You will be sharing in the "Letters to the Editor" column with other correspondents on a variety of subjects. Most likely, your letter will be triggered by a recent news story or editorial, and it is not necessary to restate the entire premise before launching your views. Of course, limit the subject of your letter to just one topic, news story, or editorial; make your points quickly and cogently.
- B. **Keep it pointed.** If you don't have well-developed, firm opinions on an issue, don't bother to write. Both editors and their readers enjoy and react to a letter that has fact, feeling, and direction. Unless you have something positive to suggest or correct, something informative and useful for the readers, your letter will accomplish little. Be direct, to the point, and *above all, be sure of your facts.*
- C. **Keep it timely.** First impressions are the strongest, and so is the first impact of the news. Particularly, if the original news story is erroneous or misleading, corrections should be made immediately because readers are apt to "digest" fallacy if the facts come too late. How often have you heard, "Of course it's true, I read it in the paper just this morning"? Editors give priority to letters commenting on a story while it is still news; next week may be too late. Write your letter the same day you read or hear the editorial or news

story.

- D. **Be conciliatory.** Even though a news story or editorial may malign one of your pet programs or seem unduly opinionated, do not respond with a sarcastic combative letter. Emotionally charged letters get high readership but at the writer's embarrassment when he sees his hot temper in cold print. If the editorial writer or reporter has been unreasonably critical, point out his errors as factually and politely as possible, correct or amend them, and extend the offer of your services or more information if desired. Above all, you can't intimidate an editor by threatening to cancel your subscription; torrid letters only help increase his circulation. On the other hand, don't feel that an untruth is too gross to be dignified by an answer; silence is sometimes the severest indictment, and an unchallenged fallacy always carries more weight with those who wish to believe it.
- E. **Identify yourself.** Always sign your letter with your full name and address; also your professional title if it is pertinent to the subject. Anonymous letters lack courage and conviction, and editors seldom print them. Letters with pseudonyms are usually discarded because editors check on the authenticity of both content and correspondent; however, your name may be withheld upon request if circumstances warrant, but these occasions are rare. Do not ask the editor to reply to your letter or to return your manuscript.
- F. **Address your letters properly.**

Letters to the Editor		Mr. John S. Doe
Name of Newspaper or Magazine	OR	Managing Editor
City, State, Zip		Name of Magazine
(Dear Sir:)		Address
		(Dear Mr. Doe:)

11. **Get in the game!** If Christian value and principles are to be restored to American government, it is up to people like you to get involved in helping to reclaim America. Don't sit on the sidelines any longer. Christian action not only puts you in the game, it allows you to carry the ball. Boldness, persistence, and most importantly, faith, will carry you over the goal line if you will stand firm in your convictions and strong in the Lord. God bless you in your efforts.

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## Resources:

### **Books:**

- Bandow, Doug. *Beyond Good Intentions: A Biblical View of Politics*. Westchester, IL: Crossway Books, 1988.
- Colson, Charles. *Kingdoms in Conflict*. Grand Rapids, MI: Zondervan, 1987.
- Doner, Colonel V. *The Samaritan Strategy: A New Agenda for Christian Activism*. Brentwood, TN: Wolgemuth & Hyatt, 1988.
- Eidsmoe, John. *Christianity and the Constitution*. Grand Rapids, MI: Baker Book House, 1987.
- George, Robert. *The Clash of Orthodoxies*. Intercollegiate Studies, 2001.
- Grant, George. *The Changing of the Guard: Biblical Principles for Political Action*. Ft. Worth, TX: Dominion Press, 1987.
- Hart, Benjamin. *Faith and Freedom*. Dallas, TX: Lewis and Stanley, 1988.
- Neuhaus, Richard J. *The Naked Public Square*. Grand Rapids, MI: Eerdmans, 1984.

- Schlossberg, Herbert. *Idols for Destruction: The Conflict of Christian Faith and American Culture*. Wheaton, IL: Crossway Books, 1990.

***Articles:***

- “Politics Without Truth” by Gene Edward Veith, [www.equip.org](http://www.equip.org)
- “The Political Illusion” by Charles Colson, [www.breakpoint.com](http://www.breakpoint.com)
- “Do Christians Have an Obligation to Vote?” by Jeffrey L. Myers, [www.christiananswers.net](http://www.christiananswers.net)