

CHALCEDON Report

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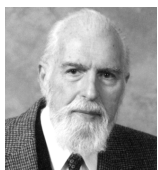
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The Covenant and Baptism

By R. J. Rushdoony

Then will I sprinkle clean water upon you, and ye shall be clean: from all your filthiness, and from all your idols, will I cleanse you. A new heart also will I give you, and a new spirit will I put within you: and I will take away the stony heart out of your flesh, and I will give you an heart of flesh. (Ezekiel 36:25-28)



The covenant sign of the Old Testament era was circumcision and that of the New Testament, baptism. Ezekiel 36:25-26 speaks of the sprinkling with clean water as a sign of rebirth. Before Christ's coming, proselytes among the Gentiles were both circumcised, if males, and baptized to indicate their status as the Messiah's people in the renewed and extended covenant.

Circumcision was a symbolic castration. It witnessed to the fact that man's hope is not in generation but in regeneration. *Man cannot renew himself, nor can history avoid the fact of sin and man's war against God. Apart from Christ, history does repeat itself: sin and death mark all its days.*

Among the images used in Scripture to define baptism is that of death and resurrection. Paul says in Romans 6:4:

Therefore we are buried with him by baptism into death; that like as Christ was raised up from the dead by the glory of the Father, even so we also should walk in newness of life.

There must be a dividing line in our lives between our inheritance in Adam of sin and death, and our regeneration into the image of God in Christ.

In baptizing our children, therefore we are *redirecting history* from the old pattern of sin and death into the new

life in Christ. This baptism does *not* produce an end product. It does not say that either we or our children are now perfected and thus ready for glorification. It means that, by God's grace, we have been redirected.

The World of Anti-Law

The world of the ungodly is the world of *anomia*, lawlessness, or anti-law. Paul describes it as "enmity against God" (*Rom. 8:7*). It is the willful insistence that man is his own god, his own source of law and determination (*Gen 3:5*). It means walking or living "in newness of life," or, in James Moffatt's words, we now "move in the new sphere of life." Because our baptism does not make us a finished product, we can and do sin. The word for sin, *hamartia*, means missing the mark; this *can* mean carelessness and indifference, but we are at least moving towards the mark, not against it, as in *anomia*, or lawlessness, or anti-law. Our distinguishing mark becomes *righteousness*, or, *justice*. The world talks much about justice while working all the while to subvert it, because justice means God's law and sovereignty.

Baptism is a witness to God's regenerating power, as Titus 3:5 makes clear. It is not the sacrament of baptism that regenerates us but God the Lord. It is not a natural fact but a supernatural one. The Lord can work His miracle of new life with equal ease in a baby as in a hardened old sinner. The power and the initiative in the regeneration is not ours but God's.

Two Errors

This means that there are two obvious errors regarding baptism to be avoided. *First*, there is the decisional error, namely, that my decision for Christ, my choosing Him as my Lord and Savior, is my rebirth. This is humanism in effect, and it is emphatically Arminianism. Its prevalence does not sanctify its error.

Second, there is the error of sacerdotalism, the belief that a power resides in the church and the sacrament, when the power really remains totally in the hands of the sovereign God. The church too often tries to impose a straightjacket on God's actions and on our freedom in Christ. Sacerdotalism too is a form of humanism. The church's right is to administer baptism, not to control or define it apart from Scripture.

It is important to insist on the priority of God in all things, and therefore certainly in baptism. The churches, by following erroneous ideas about baptism and other matters have lost much power as well as much freedom. It is interesting to read C. H. Dodd's 1951 comment about the first Christians:

But the most striking thing about the early Christians was their astonishing confidence in the face of overwhelming opposition. The Church was a minority movement, with every kind

— Continued on page 32—

Justice as a Moral Ethic

By Mark R. Rushdoony



The primary function of the state is the ministry, or administration, of justice. *Negatively*, this involves prosecution and punishment, the police, courts, and military being aspects of what Paul referred to as being a terror to evildoers (*Rom. 13:3*). A state's administration of justice which gives criminal activity any advantage over the law-abiding citizen is thus clearly failing in its purpose and is, in fact, itself a revolutionary force. The *positive* aspect of justice is the state's concern for justice in the social order itself, in promoting an atmosphere conducive to the safety of individuals and their commerce.

A Just Social Order

The positive application of justice is most obvious in the legislative function of government, which seeks to create a system of laws that will encourage a just social order. The executive function is most clearly involved in the negative application of justice, apprehending and prosecuting wrong-doers. Though the positive and negative administration of justice are not unique to the legislative and executive functions respectively, they are most clearly combined in the judicial function of government. The judiciary has the responsibility of examining the positive intent of the law to produce a just social order and applying it, if necessary, in a particular case.

We do not have to look far, however, to see injustice done in the name of justice at any level or branch of government. This is because justice has as its foundation a moral ethic, and

laws and their enforcement and interpretation represent an enforced morality. The old line that you cannot legislate morality is only a half-truth. We cannot legislate people into being good, but all laws are an enforced moral code. We legislate that all cars stop at a stop sign because it is wrong to endanger others. Traffic laws are thus, in theory, a law-code based on a positive effort towards a just social order, in this case a just order on roadways. I once experienced the lawlessness of road traffic in Calcutta, India; it was enough to make me believe in the positive application of a system of justice in the area of traffic laws.

Judicial Activism

The moral ethic behind a system of laws may be based on any number of religious or philosophical foundations. Frequently, the law may be a mixture of conflicting moral ethics. If we argue against a law or application based on its bad effect, we may be incorrectly assuming this was unintended. A different faith, with a different moral ethic, may have been behind that law or its interpretation. Most judicial activism is not derived from a "loose construction" of the Constitution but rather its reinterpretation based on an intent other than that of the framers and hence another moral ethic. Judicial activism is about redefining what courts must constitute as right and wrong. Not even Christian law can long survive its interpretation by non-Christians who have another concept of morality.

The state in all of its manifestations will be concerned with justice by some definition. A socialistic ethic

distinguishes much modern tax legislation and economic policy. An evolutionary faith controls the moral perspective of much environmental legislation. It is important to understand the ethic behind a system of laws we oppose so that we can offer a consistently argued alternative. As vicious false moral ethics control the state's machinery of justice, there will be increased confusion in the law and increased hostility to, and then war with, other sources of moral ethics. This is why we can see a distinct hostility to Christian ethics in the public sphere. This is why Christians are so frequently accused of being unconcerned with social justice or human need. In terms of the humanistic "justice" of many non-Christian ethical codes, we are on the wrong side of many issues and hence "anti-justice."

It is not difficult to see, both in historical examples and in our own times, the tendency of the state to see itself as the center of the social order rather than as an administrator of justice. When this happens, the state sees its purpose as messianic, saving its citizens from some sinister force, manipulating economic forces, and inevitably restricting liberty in the name of safety and the greater good. When the state wants to be man's savior, it first moves to become his lord.

Man's original sin, of course, was desiring Satan's temptation to be as gods (*Gen. 3:5*) knowing, or determining independently, good and evil. In order to play god, therefore, man must define his own morality. When such men control the state, the result is statism. Playing god is about acquiring power; increasing its wealth by

confiscatory taxation is merely a means to power. Great moral injustices occur when this happens, including the loss of liberty, usurpation of the prerogatives of other social institutions, and the perversion of justice in the name of a new moral ethic dictated by the would-be god.

Because the state's legislative concern for justice is necessarily a moral concern, the Christian must self-consciously promote the Christian moral ethic in public life. The modern idea of *justice* itself is merely a secularized idea of *righteousness*. Hence our *justification* by God is our declaration of *righteousness* by the (really) Supreme Judge. If God does not distinguish righteousness and justice, what right have we? Can we define justice by a higher moral ethic than God's?

Fulfilling the Law

Christ summarized the law of God by calling men, first, to love God with all their heart, soul, mind and strength. The second greatest command was to love our neighbor as ourself (*Mk. 12:29-31*). Now we tend to read this command to love in subjective emotional and pietistic terms. Christ said, however, "If a man love me, he will keep my words" (*Jn. 14:23*) and Paul said, "Love worketh no ill to his neighbor: therefore love is fulfilling the law" (*Rom. 13:10*). Our love neither to God nor to our fellow man may be a lawless relationship. God's demand is that our relationship with Him and our neighbor be based on His law, His moral ethic. God's demand is that our relationships in society flow from our primary relationship with Him. God's demand for social justice is based on recognition that (as stated in our Lord's preface to the summation of the law) "the Lord our God is one Lord" (*Mk. 12:29*). There is no moral dichotomy between man's moral duty to God and to his neighbor. The

basis for social justice, for loving our neighbor, is righteousness.

In a political system to which we have free access and a voice, Christians can choose to accept a false moral ethic (or a multitude of assorted false systems of morality) or they can work for laws and justice based upon a Christian ethic. It is not necessary for non-believers to accept Christian morality to temporally benefit from it. "Thou shalt not steal" benefits all but the thieves among us. Moreover, non-believers are not somehow exempt from God's law because of their unbelief.

The state as a ministry of justice can not save men. Paul clearly de-

nounced salvation by the works of the law. If salvation is not by works of God's holy law it most certainly will not come from man's law. So why should the believer stand not just on issues but on the Biblical morality underlying the issues of the day? It is because God is true and His Word is true. It is because Christians must stop playing the part of rebels, submit to God, and deal with society (our neighbors) in terms of His righteousness. All men believe in some concept of law and justice. You must ask yourself "In whose law do I believe?" and "On what moral ethic do I base my belief in justice?"

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The Importance of Christian Character

By Ronald Kirk



*H*oliness, from the idea of *clean* in both the Hebrew and Greek Scriptures, essentially means *whole*.

In the Biblical languages and English alike, holiness applied to men is a state of *moral* wholeness, integrity, and purity, as opposed to brokenness, damage, compromise, or pollution.

Individual morality requires structural integrity to maintain wholeness. *Character* identifies the quality of structural integrity in both moral beings and physical things. Originally, *character* denoted writing made by cutting or engraving a mark in a medium. Permanence, then, is a key feature of real character. Variable or pliable internal qualities characterize substances lacking structural integrity. The Bible speaks of a man whose character is “unstable as water” (*Gen. 49:4*). A young child bears such a pliable character, except that his natural disposition inclines toward sinfulness, which uncorrected will harden thereunto. Human character speaks of the qualities resulting from nature and habit that distinguish a person from other persons. Among objects and even the lower creatures, God imposes character. Rocks act like rocks. Dogs act like dogs.

Natural Character

Among men, character may be of either a pure or a damaged quality. Man’s natural character is damaged due to the Fall. The Scriptures clearly teach that man’s native character con-

sists in qualities of rebellion and wickedness, leading to death (*Gal. 5:17-21*). Our natural character offends our Creator. Our natural character, separated as it is from God’s providence and grace, thus leads to self-destruction, somewhat like genetic mutations in living things. Sin has fatally marred mankind. The potential for ultimate wickedness certainly lies in the natural character of man, as we more frequently observe in the world. For this reason, neglected sin in ourselves and manifest sin and rebellion in our children amounts to great evil.

Except where a source of external energy intelligently counters it, entropy rules the universe.

Sin is infectious, and evil is virulent. Sin never stays put, but spreads by contagion because man’s natural moral immune system is fatally weak. Between God’s providence to claim a people for Himself for eternity and the natural sinfulness of the world at large, a great moral battle wages.

Cultures resist change due to a moral inertia God planted in man’s heart. Man resists change. This is good news and bad news. The good news is that once a degree of righteousness is established, it tends to last. Righteousness passes from generation to generation through parental influence on the children, and through community influences.

Early America’s profound Biblical Christian orientation established the most free and prosperous nation of the modern era. Many aspects of character — such as love of God and godly liberty, self-restraint, and forbearance, toughness of mind, industriousness, charity, and generosity — served to build America. Many of the practices of Biblical government, ably codified in the United States Constitution, have lasted for a good two centuries. This is so though we have often lacked a general, self-conscious determination to maintain and expand the Constitution’s principles. The peaceful periodic transfer of power effected by election speaks to the enduring quality of the principle of the priesthood of believers, to cite just one example.

Entropy

The bad news is that entropy — the force of decline, disorder, and energy dispersion — remains one of the most fundamental rules of physical and human nature. Except where a source of external energy intelligently counters it, entropy rules the universe. And there is a spiritual analogy. Throughout early history, God interjected Himself directly to infuse new life into declining morality. The lives of Noah, Abraham, Moses, David, and Paul typify God’s hand in the affairs of men. In the Christian era, God ordinarily provides this intelligent energy by His providence in nature and through men by His Holy Spirit. In entropy, we discern God’s unwilling-

ness that His people rest on the accomplishment of past generations. Instead, every generation and each individual must oppose spiritual entropy, participating in the establishment and maintenance of the gospel.

***Evil exerts its power.
Character for good must
be stronger.***

We thus see the essential battle for the kingdom of God laid out. A purer character among God's people is necessary to battle the evil natural character of the world and its influence. Christians must actively exert a benign influence on the character of our communities both to check evil and to help cultivate in our neighbors' hearts a love of righteousness and goodness in anticipation of redemption. God has made us minor partners. Christians must be salt and light. We must inculcate in ourselves a character that resists temptation within and without, one that stands upon principle in any circumstance. Evil exerts its power. Character for good must be stronger.

Godly character provides the moral structural integrity required to maintain holiness while standing fast in the battle. What defines the character God intends for man? It is the character of Christ (2 Cor. 3:18). Such character consists in particular attributes needed to support the ability to resist sin, to take courage through difficulty, and to walk by faith.

Acquiring Christian Character

Historically, the church calls the process by which godly character is acquired *sanctification*. God saves sinful man by His grace. He sanctifies man by His grace. Sanctification is a sovereign act of God (Jn. 17:17; 1 Thess. 5:23; 2 Thess. 2:13). Yet, the Scriptures clearly teach that sancti-

fication also comes by acts of faith (Ac. 26:18). Faith imposes a standard for conduct that contradicts the natural human disposition and will. The authoritative Word of God defines the godly standard of conduct that will produce Christ-like character as men respond to God by faith.

The Scriptures declare that the great hope of Christ requires a *proven* character. In Romans 5:1-5, Paul rejoices in the hope of our salvation by God's grace. He then rejoices in tribulations, because there is a necessary connection between our hope of grace and the character necessary to bear that grace. "Tribulation worketh patience; and patience, experience; and experience, hope." The Greek word *dokime*, translated *experience*, suggests *proven character*, as if *assayed*. God providentially trains character through the trials of life. He moreover provides to parents the more closely governed home in which to train childhood character. "Train up a child in the way he should go: and when he is old, he will not depart from it" (Pr. 23:6). In such child rearing, we find the original meaning of the word *education*. A true and Biblical education should produce proven character.

Education fills up that which lacks, and *corrects* that which is wrong. In Ephesians 6:4, Paul commands fathers to bring up their children in the *nurture* and *admonition* of the Lord. *Admonition* is the *content* of education. On the other hand, *nurture* is the Greek word *paideia*. *Paideia* speaks of education from the disciplinary point of view, that is, of directed practice or training, and correction. *Paideia* finds its root in the New Testament word *paideuo*. *Paideuo* also speaks of training, but adds an emphasis on *chastening*, the infliction of pain for reclaiming an offender. Pontius Pilate curiously applies *paideuo* to Christ's scourging

(Lk. 23:16). In 1 Corinthians 11:31 and 32, Paul says we ought to be tough on ourselves so that the Lord need not chasten (*paideuo*) us. In 2 Corinthians 6, Paul speaks of his own chastening to prepare his character for a life of service. In verse 9, he cries out "as dying, and, behold, we live; as chastened, and not killed." In verse 10, Paul speaks of his rejoicing in adversity, an important aspect of character. In 1 Timothy 1:20, Paul tells Timothy to turn Hymeneus and Alexander over to Satan that they may *learn* (*paideuo*) not to blaspheme. (In this sense Satan is the headmaster of God's reform school, for education on the streets, where the home has failed. Clearly, the relatively gentle discipline of loving parents and teachers is preferable to Satan's hateful and death-oriented punishment. See 1 Cor. 5:5.) From Hebrews 12:6, "For whom the Lord loveth he chasteneth (*paideuo*), and scourgeth every son whom he receiveth. If ye endure chastening (*paideio*), God dealeth with you as with sons; for what son is he whom the father chasteneth (*paideuo*) not?"

Strong's Exhaustive Concordance says *paideuo* likely derives from *pais*. *Pais*, in the New Testament, is a child, especially a servant. A servant to a king, as Strong suggests, would be subject to fairly demanding discipline to inculcate the character and skills needed to serve a great superior. Feudal history reflects the Biblical pattern. As well as enjoying certain largess, a feudal noble lord suffered the burdens of leadership in the oversight of his people. At its best, feudalism saw authority as a holy trust before God. In order to fulfill that trust, the lord necessarily prepared a son to succeed him. Therefore, the son of a nobleman received the stricter educational discipline. The son rigorously learned war

— both personal skills and general strategy — diplomacy, social manners, and economics, geography, law, and foreign and domestic politics. He hardened his body and toughened his mind. The classic children's story *Men of Iron*, by Howard Pyle, graphically illustrates the point. Similar responsibility generally rests upon Christians, since we are His vice-regents, His noblemen in the earth.

In a word, God disciplines His children according to perfect knowledge — to be as tough as necessary, as gentle as He may be, and still achieve His high ends in us. Parents and teachers rightly follow the Biblical and best historical examples in training and correcting our children as a holy trust in their preparation for a life of service. A life of faith requires obedience. Faith and obedience require a disciplined and sturdy character to support them — in adults and children alike.

Undertaking Enterprise Toward Character

God provided a principle means for acquiring character in overcoming the difficulty and trials associated with economic enterprise. God commanded men to take dominion over the earth. In the Fall, He commanded men to pursue their livelihood in adversity. Here then is God's plan for economic enterprise. Economic advancement results from the bold investment and hazard of raw materials to make objects that are more useful. As raw materials are worked — whether time, food seed, or minerals from the earth — their raw value is destroyed. Thus, risk is a fundamental aspect of God's economy. Poor skill or external factors may cause an investment to fail. The risk is real and may be fatal. God expects men to trust His providence in an evil, fallen world.

Often, investment requires a great patience as one waits for the growth of the fragile crop, or bores through the ground to find the valuable mineral resource. Setbacks, such as poor weather destroying the crop, producing an unpopular product, or failed research and development cause pain and trouble that must be absorbed. In naturally impatient human beings, the character for patience, and for enduring the pain and trouble of economic setback accrues only through practice. Enterprise simply requires a sturdy character, able to support faith and accomplishment.

Furthermore, finding one's way through the difficulties of life, and particularly those of bold enterprise tends to produce humility as it becomes increasingly clear that God's economy of difficulty seems subjectively more an economy of impossibility apart from His providence. Speculative knowledge not honed by experience puffs up. Humbling discipline tends to produce charity.

As an important by-product, enterprise thus produces strength of character as difficulty yields to faithful workmanship. In turn, proven character provides the foundation for greater enterprise. Enterprise and character necessarily form a reciprocal relationship. Thus, as a primary means to character, bold enterprise should be a way of life for the Christian. Enterprise upon a self-consciously Biblical viewpoint in any discipline should produce fruit for the gospel — salt and light that exerts influence on our neighbors in the world.

Formal Education

God provides the sheltered and heavily governed epoch of childhood to train the basic character, upon which God will build throughout life.

This basic character will act as a vessel prepared to receive and carry the grace of God. Proven character of increasing degree becomes the foundation for future growth in character and accomplishment. Faith requires several particular aspects of character. We have mentioned only a few. The Christian educator should minutely identify the qualities of character of Christ for reproduction in the student. In the enterprise of learning, the teacher must then enforce the practice and habit of conduct appropriate to the child's present development that will produce the desired character in due season. The teacher introduces a measured difficulty that the child must learn to attempt by faith. The teacher then guides the child in appropriate responses to this difficulty, particularly to trust Jesus.

Apart from providing opportunities to overcome difficulty in a hardy spirit of enterprise, education cannot be counted truly Christian.✠

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Saint Valentine's Day

By Samuel L. Blumenfeld



I am sure that everyone who reads this article knows someone to whom he or she wishes to send a Valentine card. That is, someone whom he or she loves or appreciates. Nowadays, the greeting card folk have produced Valentine's Day cards for everyone: husbands, wives, sons, daughters, uncles, aunts, girlfriends, boyfriends, lovers, grandparents, bosses, secretaries, and anyone else you can think of.

It's the sheer genius of American commercialism that Saint Valentine's Day has been elevated to the status of a national holiday, with bustling sales of flowers, heart-shaped boxes of chocolates, jewelry, and other appropriate gifts. It even provides an opportunity for shy people to send a card to someone they would love to marry. And, of course, children like to make their own Valentine cards for grandma in the nursing home.

The Beginning of It All

But how did all of this get started, and why is February 14th the day in which we profess love for someone? As legend has it, the origin of this festival of romance goes back to a pagan fertility rite in ancient Rome celebrated since the fourth century B.C. Among their many gods, the Romans had one named Lupercus who watched over shepherds and their flocks. In his honor they held a great feast day in February of each year and called it the Lupercalia. The festival was dedicated to Faunus, the Roman god of agriculture, and Romulus and Remus, the founders of Rome, who had been suckled by a she-wolf, or *lupa*.

It should be noted that in ancient Rome, February was the official beginning of spring and was considered a time for purification. Houses were ritually cleansed by sweeping them out. The Lupercalia began on the 15th of the month.

One of the fertility rituals involved youths of noble Roman families running through the streets with goatskin thongs made from the hide of a sacrificial goat. Young women would crowd the street in hope of a light lashing by the sacred thongs, as it was believed that it would make them better able to bear children. The goatskin thongs were known as the *februa* and the lashing as the *februatio*, both derived from the Latin word meaning to purify. The name of the month February comes from this meaning.

Also, as part of the festivities, a lottery was held in which the names of local teenage girls were placed in an urn and drawn at random by the teenage men. The girl whose name the young man drew became his companion for a year, after which many of the couples married. While this may seem like a rather amusing mating game, the elements of chance and suspense are what made it so exciting. The very novelty of getting to know someone romantically in this manner must have been the subject of much gossip and discussion among the young folk and their parents. In any case, the Lupercalia became a festival devoted to the ideas of romantic love, marriage, and family bliss.

Around 498 A.D., Pope Gelasius outlawed the Lupercalia and declared February 14th Saint Valentine's Day.

The Roman "lottery" system for romantic pairing was deemed un-Christian and replaced with a lottery in which the names of saints were placed in the urn. Men and women drew names of saints whose lives they were expected to emulate. This new lottery did not last long, for the idea of emulating a saint was not very popular then or now. What replaced it has become the essence of Saint Valentine's Day.

Saint Valentine

Who was Saint Valentine and how did his name become associated with the holiday? Historical data seems to indicate that there were two priests by the name of Valentine, which makes for much confusion. But my hunch is that there was only one, and several conflicting stories gave rise to the notion that there were two Valentines.

In any case, the story is as follows. In 270 A.D. Emperor Claudius issued an edict forbidding marriage because he believed that married men made poor soldiers. They were reluctant to leave their wives and families to do battle. But Valentine, bishop of Interamna, strongly opposed the Emperor's edict and invited young couples to come to him to be married in secret. When the Emperor got wind of what the bishop was doing, he had him arrested.

This was at a time when Christians were still being martyred in Rome, and the Emperor insisted that Valentine renounce his Christian religion. But when the bishop refused, he was put in prison.

Legend tells us that while Valentine was in prison he sent letters and love notes to people in his parish. He also

fell in love with the blind daughter of the jailer, Asterius, and that God enabled him to miraculously restore her sight. When the Emperor learned of this miracle, he ordered Valentine beheaded on February 14th. In his farewell message to Asterius, the bishop wrote in closing, "From Your Valentine."

Of course, there is no way of knowing how much of this story is true or woven out of legend. What we do know is that the pagan lottery system of mating and courtship was eventually replaced by Christian suitors sending notes to the objects of their affections.

According to the World Book Encyclopedia, the earliest records of Valentine's Day in English tell that birds chose their mates on that date. The day was probably celebrated in England as early as the 1400s. One description of Valentine's Day during the 1700s tells how groups of friends met to draw names, much as was done during the Roman Lupercalia. For several days, each man wore his Valentine's name on his sleeve. The saying "wearing his heart on his sleeve" is believed to have originated from this practice.

Today, Valentine's Day plays a light-hearted but compelling part in American romantic life. It is part of the courting process and a way of affirming one's love each year. Thus, husbands and wives are gently reminded by our commercialized culture to buy gifts for their mates as tokens of everlasting love. And despite our high rate of divorce, Valentine's Day remains an important cultural affirmation of the idea of lasting love.²⁴

Samuel L. Blumenfeld is the author of eight books on education, including *NEA: Trojan Horse in American Education*, *How to Tutor, Alpha-Phonics: A Primer for Beginning Readers*, and *Homeschooling: A Parents Guide to Teaching Children*. All of these books are available on Amazon.com or by calling 208-322-4440.

Text From The Ten Commandments Monument from Montgomery, Alabama

LAWS OF NATURE AND OF NATURE'S GOD

Declaration of Independence - 1776

THE LAWS OF NATURE ARE THE LAWS OF GOD; WHOSE AUTHORITY CAN BE SUPERSEDED BY NO POWER ON EARTH. – George Mason (1725-1792)

THE TRANSCENDENT LAW OF NATURE AND OF NATURE'S GOD, WHICH DECLARES THAT THE SAFETY AND HAPPINESS OF SOCIETY ARE THE OBJECTS AT WHICH ALL POLITICAL INSTITUTIONS AIM, AND TO WHICH ALL SUCH INSTITUTIONS MUST BE SACRIFICED. – James Madison (1751-1836)

THIS LAW OF NATURE, BEING CO-EVAL 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... UPON THESE TWO FOUNDATIONS, THE LAW OF NATURE AND THE LAW OF REVELATION, DEPEND ALL HUMAN LAWS; THAT IS TO SAY, NO HUMAN LAWS SHOULD BE SUFFERED TO CONTRADICT THESE. – Sir William Blackstone (1723-1780)

IN GOD WE TRUST

National Motto - 1956

AND FOR THE SUPPORT OF THIS DECLARATION, WITH A FIRM RELIANCE ON THE PROTECTION OF DIVINE PROVIDENCE, WE MUTUALLY PLEDGE TO EACH OTHER OUR LIVES, OUR FORTUNES, AND OUR SACRED HONOR. – The Declaration of Independence, 1776

O THUS BE IT EVER WHEN FREEMEN SHALL STAND
BETWEEN THEIR LOV'D HOME AND THE WAR'S DESOLATION!
BLEST WITH VICTR'Y AND PEACE MAY THE HEAV'N RESCUED LAND
PRAISE THE POWER THAT HATH MADE AND PRESERV'D US A NATION!
THEN CONQUER WE MUST, WHEN OUR CAUSE IT IS JUST
AND THIS BE OUR MOTTO - "IN GOD IS OUR TRUST."
AND THE STAR-SPANGLED BANNER IN TRIUMPH SHALL WAVE
O'ER THE LAND OF THE FREE AND THE HOME OF THE BRAVE.
– National Anthem of the United States of America

WE, THE PEOPLE OF THE STATE OF ALABAMA, IN ORDER TO ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILITY, AND SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY, INVOKING THE FAVOR AND GUIDANCE OF ALMIGHTY GOD, DO ORDAIN AND ESTABLISH THE FOLLOWING CONSTITUTION AND FORM OF GOVERNMENT FOR THE STATE OF ALABAMA. – Preamble to the Constitution of Alabama, 1901

ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL

Pledge of Allegiance - 1954

THE INCLUSION OF GOD IN OUR PLEDGE THEREFORE WOULD FURTHER ACKNOWLEDGE THE DEPENDENCE OF OUR PEOPLE AND OUR GOVERNMENT UPON THE MORAL DIRECTIONS OF THE CREATOR. . . . – Legislative History, U.S. Congress, 1954

HUMAN LAW MUST REST ITS AUTHORITY ULTIMATELY UPON THE AUTHORITY OF THAT LAW WHICH IS DIVINE. . . . – James Wilson (1742-1798)

AND CAN THE LIBERTIES OF A NATION BE THOUGHT SECURE WHEN WE HAVE REMOVED THEIR ONLY FIRM BASIS, A CONVICTION IN THE MINDS OF THE PEOPLE THAT THESE LIBERTIES ARE OF THE GIFT OF GOD? THAT THEY ARE NOT TO BE VIOLATED BUT WITH HIS WRATH? – Thomas Jefferson (1743-1826)

SO HELP ME GOD

Judiciary Act of 1789

THE GREATER PART OF EVIDENCE WILL ALWAYS CONSIST OF THE TESTIMONY OF WITNESSES - THIS TESTIMONY IS GIVEN UNDER THOSE SOLEMN OBLIGATIONS WHICH AN APPEAL TO THE GOD OF TRUTH IMPOSE; AND IF OATHS SHOULD CEASE TO BE HELD SACRED, OUR DEAREST AND MOST VALUABLE RIGHTS WOULD BECOME INSECURE. – John Jay (1745-1829)

LET IT SIMPLY BE ASKED - WHERE IS THE SECURITY FOR PROPERTY, FOR REPUTATION, FOR LIFE, IF THE SENSE OF RELIGIOUS OBLIGATION DESERT THE OATHS, WHICH ARE THE INSTRUMENTS OF INVESTIGATION IN COURTS OF JUSTICE? – George Washington (1732-1799)

The Ten Commandments

I AM THE LORD THY GOD • THOU SHALT HAVE NO OTHER GODS BEFORE ME • THOU SHALT NOT MAKE UNTO THEE ANY GRAVEN IMAGE • THOU SHALT NOT TAKE THE NAME OF THE LORD THY GOD IN VAIN • REMEMBER THE SABBATH DAY TO KEEP IT HOLY • HONOUR THY FATHER AND THY MOTHER • THOU SHALT NOT KILL • THOU SHALT NOT COMMIT ADULTERY • THOU SHALT NOT STEAL • THOU SHALT NOT BEAR FALSE WITNESS • THOU SHALT NOT COVET (Exodus 20)

On the plaque titled *The Moral Foundation of Law*, also in the rotunda:

A JUST LAW IS A MAN-MADE CODE THAT SQUARES WITH THE MORAL LAW OR THE LAW OF GOD. AN UNJUST LAW IS A CODE THAT IS OUT OF HARMONY WITH THE MORAL LAW. TO PUT IT IN THE TERMS OF ST. THOMAS AQUINAS: AN UNJUST LAW IS A HUMAN LAW THAT IS NOT ROOTED IN ETERNAL LAW AND NATURAL LAW. – Dr. Martin Luther King, Jr. (1929-1968)

THE FIRST WORK OF SLAVERY IS TO MAR AND DEFACE THOSE CHARACTERISTICS OF ITS VICTIMS WHICH DISTINGUISH MEN FROM THINGS, AND PERSONS FROM PROPERTY. ITS FIRST AIM IS TO DESTROY ALL SENSE OF HIGH MORAL AND RELIGIOUS RESPONSIBILITY. IT REDUCES MAN TO A MERE MACHINE. IT CUTS HIM OFF FROM HIS MAKER, IT HIDES FROM HIM THE LAWS OF GOD . . . – Frederick Douglass (c.1817-1895)

On the second plaque is the full text of the Bill of Rights.

Through the Looking Glass: The Monument Case of Chief Justice Roy S. Moore

By Abby Tuomala



Lewis Carroll's Alice is not part of the mad world she enters through the looking glass. Like Alice, I am an outsider in the wonderland of today's court system. In the "Ten Commandments Monument Case" of Alabama Chief Justice Roy S. Moore, and the subsequent opinion of the Federal Court, this world seems to be getting "curiouser and curiouser," as Alice would say.

Three attorney-plaintiffs, who were represented by the Southern Poverty Law Center, Americans United for Separation of Church and State, and the ACLU, challenged the placement of a monument in the rotunda of the Alabama State Judicial Building by Chief Justice Moore. The monument prominently features the Ten Commandments. Following the trial, Federal District Judge Myron H. Thompson entered a judgment in favor of the plaintiffs, stating that the placement of the monument violated the Establishment Clause of the First Amendment to the U.S. Constitution. Chief Justice Moore intends to appeal.

At the center of the controversy is a block of polished granite, approximately three feet square and four feet high. Words from our nation's founding documents are featured on the front side, and words from Federal statutes on the other three sides. Supporting texts from our legal history emphasize our debt to God for our laws, our liberties, and our system of justice. The Ten Commandments,

which are the source of all law and to which all the quotations on the monument attest, appear at the top in two tablets. [See the monument's words in their entirety on page 10.] Susan Burns is Chalcedon's executive assistant and managing editor of the Chalcedon Report and Chalcedon's other publications.

The Moral Foundation of Law

The monument is a memorial to the moral foundation of law. Whether it is a religious shrine, and whether the Chief Justice has the right to place it in the Judicial Building as the lessee of the building, were among the issues at the trial, along with underlying issues as varied as free campaign speech and the duties and prerogatives of judicial office. There were many moments in the trial that seemed like Alice's topsyturvy world, but it was Judge Thompson's opinion, in relation to the establishment-of-religion clause, that took us far into judicial wonderland.

"When I use a word," Humpty Dumpty said in a rather scornful tone, "it means just what I choose it to mean — neither more nor less."

"The question is," said Alice, "whether you can make words mean different things."

"The question is," said Humpty Dumpty, "which is to be master — that's all."¹

Judge Thompson went even further than Humpty. He refused to define the word "religion" at all.

One of the least talked-about subjects related to the doctrines of God and man is that God gave man language. Words are important to God. Words distinguish us from animals. In truth, language could be said to have priority to law, because without the former we could not know, keep, or adjudge the latter. We forget that every word of every language signals a very particular concept. Violence to language is a sure sign of more serious violence to concepts. Contempt for careful definitions shows contempt for truth.

The First Amendment to the U.S. Constitution states: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

Defining "Religion"

Chief Justice Moore's testimony addressed the fact that the U.S. Supreme Court has defined the word "religion" using a number of Federal-Period authorities, most succinctly stated in James Madison's *Memorial and Remonstrance* (1785): "...the duty which we owe to our Creator and the Manner of discharging it..." But Judge Thompson said, "[B]ecause the court cannot agree with the Chief Justice's definition of religion and cannot formulate its own, it must refuse the Chief Justice's invitation to define 'religion.'" How could Judge Thompson find the Chief Justice guilty of unlawfully establishing religion if he doesn't know what religion is?

Judge Thompson also said, “[T]he plaintiffs have not presented an alternate definition of religion, and the court lacks the expertise to formulate its own definition of religion for First Amendment purposes.” He was able to come to the conclusion that the Chief Justice has violated the First Amendment, but he could not tell us *what* had been unlawfully established. It is astounding that, given the over 200 years since the First Amendment was adopted, and a body of First Amendment cases spanning over a century, this judge claimed the lack of expertise or will to formulate a definition.

Establishing Religion

There are corresponding difficulties with the concept of *establishment*. The prohibition against the establishment of religion, that is, a state-sponsored church or a compulsion to worship, has become distorted to include any recognition of God. It is obvious that the monument does not require anyone to engage in religious observance of any sort. The essence of the plaintiffs’ claim was their sensitivities about the monument. They wished to redefine the concept of *establishment* to include their feelings of inclusion or exclusion, comfort or discomfort. Judge Thompson said during the trial that the issue is, “Can the state acknowledge God?” He effectively concluded that “acknowledging God” is equivalent in meaning to “establishing religion.”

A telling statement in the Court’s opinion was that, “While the quotations on the monument’s sides are non-Biblical, they still speak solely to non-secular matters, that is, to the importance of religion and the sovereignty of God in our society . . .” The blindness to the application of the monument’s quotations to “secular” matters is breathtaking. What could be more “secular” than to establish the basis for civil law?

This deep-seated confusion about only acknowledging a Creator God in the institutional church or the most private of settings was one of the more stunning aspects of this trial. Four hundred years ago our forebears correctly rejected both state-mandated religion and its opposite extreme, a mystical asceticism which bore no relation to everyday life. Early colonists recognized God in civil matters. This was a great legacy to the framers of our government and is a great legacy to us today. Even so, historical revisionism abounded as the plaintiffs attempted to secularize all original intent in our civil government’s recognition of God in its language and practice. Plaintiffs’ experts dismissed our forefathers’ deference to a Heavenly Father in their civic functions as political opportunism (the same charge waged against the Chief Justice).

Sir William Blackstone’s *Commentaries*, the universally accepted summary of the common law, were alluded to several times during the trial. Blackstone’s exposition on the “laws of nature and nature’s God” summarized the foundation of the common law and unquestionably influenced our nation’s founders. He explained, “[A]s 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.”² Such talk by Blackstone was called “window dressing” by a plaintiffs’ expert. This was not what the *Commentaries* were really about, he said. Notably, one of the plaintiffs, an attorney, did not know who William Blackstone was.

Plaintiffs doggedly distinguished between what they called “ceremonial” (that is, acceptable) acknowledgements of the living God and “real” (that is, unacceptable) acknowledgements of the same God.

If this were merely a tactic of counsel, we might discount it. It is, in fact, the sum of this case. In America’s wonderland today, it is okay to acknowledge God if you don’t mean it, but it is not okay to acknowledge God if you do mean it. Government officials may use some God-talk, but if they’re serious, watch out.

Everyone agreed that the two tables of the law depicted on the monument signify commandments of the God of the Bible. But many well-intentioned Christians, along with non-Christians, miss their significance in civil government. This ignorance, ironically, is what Chief Justice Roy Moore is mitigating with the placement of the monument, and for which he is being pilloried.

The Oath of Office

Chief Justice Moore is sworn, by oath of office, to perform certain duties. His duties as Chief Justice include the administration of justice. Part of his duties is to ensure that subordinate courts and attorneys practicing law are reminded of and understand the nature of law and their obligations. Of the placement of the monument he said, “it represented my duty under the Constitution of the State of Alabama . . . [which] says that I shall take affirmative action to correct and alleviate any condition or situation in the administration of justice.” Restoring the moral foundation of law, and placing this monument as a reminder of our legal heritage is certainly reasonable and consistent with his duties.

Chief Justice Moore’s oath binds him to the Constitution and the laws of the land, not to inconsistent or unlawful commands of any persons, including Federal Judges. And unless Judge Moore’s (or any) case is considered using clearly defined terms, and following the rule of law, the court is merely fol-

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The Decalogue: Cornerstone of Jurisprudence

By John Eidsmoe



The Thomas Goode Jones School of Law, at which I have had the honor to teach Constitutional Law for the past twelve years, declares in its mission statement that “Biblical truth is the foundation of just law.” The school’s namesake had an illustrious background: Confederate war hero, newspaper editor, lawyer, legislator, governor, author of the first code of legal ethics, and finally as a federal judge for the Middle and Northern Districts of Alabama. He had studied the works of Sir William Blackstone, Sir Edward Coke, Chancellor James Kent, Simon Greenleaf, and other jurists who understood that God is the true source of law. When he died in 1914, W.E. Vasser wrote of him:

O! honest judge! O! upright man!
Of law his conduct grandly spoke,
Conforming to the Lord’s own
plan Promulged ‘mid Sinai’s fire
and smoke.

It is an irony of history, then, that eighty-eight years after his death, his successor on the federal bench would rule that the Ten Commandments monument must be removed from the Alabama Judicial Building because the monument was installed as a recognition of the Judeo-Christian God.

But the Ten Commandments have been the foundation of Western law. Around 890 AD, Alfred the Great produced the *Book of Dooms*, the first written legal code to govern all England, and it began with a recitation of the Ten Commandments. The Ten Commandments, and the Old and New Testaments in general, were a

principal source of study in the medieval Inns of Court (England’s law schools), even in an age before the Reformation when laymen were often denied direct access to the Bible.

The Decalogue and the Nation

All Scripture is the inspired and infallible Word of God. But the Ten Commandments are a special part of the Word of God, both in the way they were revealed and in their content. God revealed them to Moses on tablets of stone. And they summarize the basic principles of law that govern all people and all nations.

Martin Luther said of the Ten Commandments,

The Decalogue is not of Moses;
nor did God give it to him first.
On the contrary, the Decalogue
belongs to the whole world; it
was written and engraved in the
minds of all human beings from
the beginning of the world.

The basic values of almost every legal system in the world are summarized in the Ten Commandments. Among these is respect for life, expressed in the Commandment “Thou shalt not kill” and reflected in the homicide laws of every legal system. Those who respect the right to life may disagree among themselves as to whether this Commandment prohibits just warfare or capital punishment. My own view is that the Hebrew term *ratsach* refers to an unjustified act of murder, not to self-defense, national defense, or justified executions. But even in these situations, we must never lose sight of the seriousness of taking a life that has been created in the image of God.

Another basic value is respect for property expressed in the Commandment “Thou shalt not steal” and reflected in the property laws and larceny laws of most civilizations. This Commandment secures the right to private property, a cornerstone of productivity and a limit upon government power. A few have objected that this Commandment could mean “thou shalt not steal from the state or from the commune.” But the last Commandment, “Thou shalt not covet,” removes any doubt about private property: “Thou shalt not covet thy neighbor’s house, thou shalt not covet thy neighbor’s wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbor’s.”

Another basic value is respect for truth. The Commandment “Thou shalt not take the name of the Lord thy God in vain” prohibits not only blasphemy but also perjury; see, for example, the Heidelberg Catechism, Luther’s Small Catechism, and the Catechism of the Catholic Church. Strict penalties for perjury are essential to a system of justice. As President Washington asked in his Farewell Address, “[W]here is the security for property, for reputation, for life, if the sense of religious obligation deserts the oaths which are the instrument of investigation in Courts of Justice?”

Courts cannot do justice if they cannot discover the truth: Did the defendant commit the crime, or didn’t he? And the knowledge that there is an all-knowing, all-seeing God before whom all will give account, even though we may fool the judge and jury, is a powerful incentive to tell the truth.

Respect for truth is further expressed in the Commandment “Thou shalt not bear false witness.” A society that has no respect for truth cannot function. Why bother asking somebody what time of day it is, if the person is as likely to lie as to tell the truth? Why stop at a gas station and ask directions, if we don’t believe most people tell the truth most of the time?

Still another value is respect for family, expressed in the Commandments “Thou shalt not commit adultery” and “Honor thy father and thy mother.” The family is the basic unit of society and the basis of governmental authority as well. Luther’s Small Catechism, the Heidelberg Catechism, and the Catechism of the Catholic Church all agree that the Commandment to honor parents includes a duty to honor all legitimate governmental authority. John Locke based all governmental authority upon the Fifth Commandment, apparently on the theory that parents delegate their governmental authority to civil rulers.

Crime and Punishment

While all of the Ten Commandments are relevant to law and government, all are not necessarily the basis for legislation. The Decalogue itself does not set forth punishments for violations of the Commandments. But various portions of the Mosaic law set forth punishments for murder, adultery, theft, perjury, and dishonoring a parent. Yet so far as I can determine, no one in the Bible was ever punished by civil government for coveting.

How, then, is the Commandment “Thou shalt not covet” relevant to civil government? Simply this: It is a hedge, or protection, against other violations. One who covets his neighbor’s property is more likely to steal. One who covets his or her neighbor’s spouse is more likely to commit adultery. People who have been taught not to

covet are much easier to govern than those who have not.

All of which brings us to the basic value of those who founded our legal system: respect for God. This value permeates the First Table of the Law: “I am the Lord thy God; Thou shalt have no other gods before me; Thou shalt not worship a graven image.” Students of the Bible may disagree as to the extent to which respect for God should be written into the law or enforced by law, but it is the basis for law itself.

Civil government derives its authority from God, as Romans 13 and other passages of Scripture make clear. At the time of the Constitutional Convention, the constitutions of all thirteen states recognized God as the source of governmental authority; Pennsylvania’s constitution even cited Romans 13 as support for that proposition. The Declaration of Independence stated that the former colonies were entitled to independence by “the laws of Nature and of Nature’s God.” People have greater respect for government and its laws and institutions when they know that government is sanctioned by God Himself.

God also limits the authority of civil government, for government is obligated to respect human rights. The Declaration of Independence states, “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” Jefferson, the Declaration’s primary author, also declared, “The God who gave us life, gave us liberty at the same time.” He later asked, “Can the liberties of a nation be secure when we have removed their only firm basis, a conviction in the minds of the people that those liberties are the gift of God, that they are not to be violated without His wrath?”

Government is more likely to respect human rights when it is com-

posed of people who recognize that those rights are bestowed by God. If rights come only from the state, then they are not really unalienable rights at all, but only negotiable privileges. That which the state gives, the state can take away. Rights cannot truly be unalienable unless they come from a higher source than government, and what higher source could there be, but God?

All ten commandments of the Decalogue are relevant to law and government. And yet, the Federal District Court has ruled that the Ten Commandments monument must be removed from the Alabama State Judicial Building because the monument was placed in the Judicial Building as a recognition of the Judeo-Christian God. This, Judge Myron Thompson ruled, constitutes a violation of the Establishment Clause of the First Amendment, which prohibits government from favoring one religion above others.

The Supreme Irony

And here lies the supreme irony.

Judge Thompson holds court in the Federal Courthouse, a few blocks away from the Alabama State Judicial Building. In front of the Federal Courthouse, standing by itself, is a sculpture of Themis, the Greek goddess of law and justice. Chief Justice Moore’s attorneys brought this to Judge Thompson’s attention during the trial, but Judge Thompson utterly ignored this fact in his ruling.

These two monuments — The Ten Commandments in the Alabama State Judicial Building, and the image of Themis in front of the Federal Courthouse — capsule the real controversy in this case. Will we be governed by the values of the Ten Commandments as represented by Chief Justice Moore’s monument, or

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Christian Piety or Nefarious Perfidy?

By John E. Stoos

“Therefore I exhort first of all that supplications, prayers, intercessions, and giving of thanks be made for all men, for kings and all who are in authority, that we may lead a quiet and peaceable life in all godliness and reverence. For this is good and acceptable in the sight of God our Savior, who desires all men to be saved and to come to the knowledge of the truth.” 1 Timothy 2:1-4



In my radio ministry I often call on the listeners to pray for our political leaders and most times I remind them to review these simple verses from the Apostle Paul that explain why the actions of our civil leaders are important. We should not call Christians to participate in the political process to benefit one particular political party or another. We should not be involved just so we can have personal peace and affluence. We are called to influence and care about the political process because righteous leaders produce godly and reverent civilizations that carry the good news of God's salvation to the four corners of the world, so that all of God's people will be saved from their sins (*Rom. 10:1-15*).

As Christians we are obligated to understand the Biblical principles of submission summarized in Romans 13:1-10. At a time when abortion-on-demand is “the law of the land” by decree of the U.S. Supreme Court and the radical homosexual agenda continues to advance, it can seem very difficult for Christians to obey Scripture in this area. Here in California our tax dollars are used to pay for approximately 40% of the abortions that the government funds in America! In my flesh I want to be the biggest tax protester this state has ever seen, but God's Word says that we are to be in submis-

sion. And as long as they are not commanding that abortions take place in my family, as long as I am sounding the warning from the wall (*Ezek. 3:17-19*), then the blood is on the hands of the civil magistrates and those who participate in those sinful actions.

A Course of Action

However, as Christians we are not left without a further course of action. Unfortunately, there are many times in today's America when so-called Christians are more a part of the problem than part of the solution. In the final chapter of his historic *Institutes of the Christian Religion*, John Calvin takes dozens of pages explaining the importance of civil government and the Christians' duty to obey that government. In the final paragraphs he says, “I am speaking all the while of private individuals,” and then includes a sentence that has shaken the civil governments of the world to their core:

For if there are now any magistrates of the people, appointed to restrain the willfulness of kings (as in ancient times the ephors were set against the Spartan kings, or the tribunes of the people against the Roman consuls, or the demarchs against the senate of the Athenians: and perhaps, as things now are, such power as the three estates exercise in every realm when they hold their chief assemblies), I am so far from forbidding

them to withstand, in accordance with their duty, the fierce licentiousness of kings, that, if they wink at kings who violently fall upon and assault the lowly common folk, I declare that their dissimulation involves nefarious perfidy, because they dishonestly betray the freedom of the people, of which they know that they have been appointed protectors by God's ordinance.¹

There was certainly a case of such nefarious perfidy recently here in Northern California when a local school board was called upon to protect the health and welfare of minor girls placed in their care. A brave member of the board for the Roseville Joint Union High School, Dean Forman, asked that the board review a school policy that allowed minor girls attending the school to be released for “confidential medical appointments” that could include abortions. Here in California it is perfectly legal for organizations like Planned Parenthood to arrange for a minor girl to have an abortion without the knowledge or consent of her parents. It will even be paid for by the state because the minor qualifies temporarily for Medi-Cal, since she cannot use her parent's resources. However, there is no state law that requires schools to participate in these ungodly and repulsive actions. All Mr. Forman wanted to do was make sure the school itself was not a party to these actions.

After a spirited discussion, the board voted three to two to affirm the current policy of allowing the girls who had appointments for abortions to be released from school without the consent or knowledge of the parents. *All* of the parents who spoke at the meeting asked that the policy be changed, but that did not seem to matter to the board majority. The only voices in support of the current policy were the organizations that profit from the abortions and the “student representative” to the board who had been fully indoctrinated. It was extremely ironic that Planned Parenthood wanted the girls to be released to their custody for a serious medical procedure like an abortion, while at the same time asking those students who wanted to enter their poster contest celebrating “Thirty Years of Choice” to be sure and get their parents’ permission before they submitted their posters (honest, we don’t make this stuff up!).

It did not surprise me that parents thought they should be in the loop when such serious decisions about their minor daughters’ well being were made, and it certainly did not surprise me that the abortion industry would want to continue having unencumbered access to these profitable little clients with the state paying the bill. The nefarious perfidy came from the self-professed “Christian” and “prolife” members of the majority that sided with the baby-killers at Planned Parenthood. According to the *Sacramento Bee* story on the meeting, the discussion before the vote “made clear the trustees’ need to reveal their personal values to their constituents, while following a law most board members said they did not like.” Of course there is no “law” as referred to by the reporter, but that is no surprise since the writer was able to do an eleven hundred word “news” story on the meeting without ever using the “A” word: abortion.

Appointed Protectors

As Calvin so rightly pointed out, even if there were such a law, this would have been the ideal time for those board members, as “appointed protectors by God’s ordinance” to have exercised their proper duty to protect the students placed in their care and to hold the erring magistrates above them accountable for their actions. Sadly, this was not the case with a professed Christian leading the charge toward failure: “I’m a Christian woman,” board President Tami Brodnik said according to the *Bee* story, “but our nation is set up by laws, and I will not enact a policy that asks our employees to break the law.” Could there be a clearer case of what Calvin refers to as nefarious perfidy?

“I am not in favor of abortion,” board member Jim Joiner was quoted as saying in the same *Sacramento Bee* story. “I don’t like *Roe v. Wade*, and I’d like to see it overturned. But the school board doesn’t have the authority to overrule legislation.” No, neither Ms. Brodnik nor Mr. Joiner gets to sit on the Supreme Court or even in the state legislature, but that does not mean that they are not properly elected members of the Roseville High School Board with the right as lesser magistrates to hold those above them that are in error to account. Had these concerned members sat on a school board in Nazi Germany in the late 1930s, would they have stood up to the wrong actions of Hitler? If an order to deliver some of the Jewish students to the new “camps” had been issued would they have said, “I will not enact a policy that asks our employees to break the law,” or “the school board does not have the authority to overrule legislation.” We would hope not, but sadly the historical record is very short on examples of lesser magistrates in Germany who were willing to hold Hitler accountable for where he wanted to take that once

civilized nation. The result of their inaction was that some ten million Jews, Christians, Gypsies, homosexuals, and others whom Hitler deemed to be unfit, lost their lives.

The Roseville High School Board should have listened to the parents who entrusted their students to them and refused to release minor girls from school to obtain abortions unless the parents were notified. Every school board in our state should do the same. Every concerned parent who has a minor girl attending a government school that sends minor girls to have abortions should pull his or her daughters out until the school establishes the right policy.

What If...

Perhaps some brave school boards would inspire the same type of action in other lesser magistrates like city council members or state legislators. I dream of the day when a strong Christian majority is elected to a city council somewhere in America. This council could then pass a resolution declaring that abortion is now illegal in their city. Of course, the city attorney would quickly tell them that they cannot do this, at which point he should be fired and a good prolife attorney should be hired to replace him. Next up would be the police chief, who would likely say he could not enforce such a law. Again, the council should accept his letter of resignation and hire someone who would enforce the law. This is exactly what John Calvin expected lesser magistrates — that is “any magistrates of the people, appointed to restrain the willfulness of kings” — to do, to hold those above them accountable. In this case the state or federal officials would have to decide what they were going to do with this city that chose to protect its unborn residents. If they came to those members and said you *must* allow abortion

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Election “Law” in America

By Herbert W. Titus

“[The right to vote] is regarded as a fundamental political right, because [it is] preservative of all rights.”

United States Supreme Court *Yick Wo v. Hopkins* (1886)



In January 2001, George W. Bush was sworn in as the 43rd president of the United States. In January 2003, Lord willing, Mr. Frank Lautenberg (D-NJ) will be sworn in as the newly elected United States Senator from New Jersey. Each man obtained his election to office not according to a preexisting rule of law, but by court order.

In the case of George Bush, a bare majority of five justices on the United States Supreme Court ruled that the popular vote for president in Florida had to be “recounted” according to procedures that were the same, county by county, to the end that no voter’s vote would be “diluted,” not, as the Florida Supreme Court had ruled, according to differing procedures as determined by each Florida county to the end that no voter’s vote would be left “uncounted.”¹

In the case of Frank Lautenberg, a unanimous New Jersey Supreme Court required that Mr. Lautenberg be placed upon the New Jersey senatorial ballot in the place of Robert Torricelli who had “withdrawn” from the race to the end that the people’s “right to vote” would not be “emptied” by depriving the people of the “right to vote” for a viable senatorial candidate nominated by one of the two major parties.²

Democratic Equality vs. The Rule of Law

Both courts rested their opinions upon the United States Supreme Court’s democratic ideal of “one man/

one vote.” In the case of Bush, the United States Supreme Court majority recalled that one man/one vote meant that “the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” In the case of Lautenberg, the New Jersey Supreme Court remembered that one man/one vote meant that “the right to vote freely for the candidate of one’s choice is of the essence of a democratic society and any restrictions on that right strike at the heart of representative government.”

For both courts, the goal of democratic equality trumped the rule of law. While the United States Supreme Court majority acknowledged that Article II, Section 1, Clause 1 expressly delegates the power to choose the president of the United States to “electors” who, in turn, are to be “appoint[ed] in such Manner as the Legislature [of each State] may direct,” only three justices of the five were willing to rule that the Florida Supreme Court’s decision to disregard the state legislative mandate contravened this written constitutional delegation of power.

As for the New Jersey Supreme Court, the justices simply ignored Article I, Section 4 which provides that the “Times, Places and Manner of holding elections for Senators and Representatives ... shall be prescribed in each State by the Legislatures thereof.” According to statute, officials had not been granted authority to

substitute a candidate for one previously nominated at a primary *after* “the 48th day preceding the date of the general election.” Since Robert Torricelli had withdrawn from the senatorial race on September 30, 2002, just 35 days before the general election, November 5, then no state or county executive official had any authority to substitute Mr. Lautenberg for Mr. Torricelli.

That is why the Democratic Party went to court — to force the county clerks to do what they were not authorized to do by statute. Instead of the New Jersey Supreme Court ruling that according to the Article I, Section 4 of the United States Constitution, only the State legislature had authority to determine the “manner” of the election, the justices substituted their judgment for that of the legislature, “construing” the statute “to promote the goals underlying our election laws — to ensure an opportunity for voters to exercise their right of choice in the November 2002 senatorial election consonant with an orderly process for handling of ballots.”

Above the Law

By departing from both the text of the New Jersey statute and of Article I, Section 4 of the U.S. Constitution, the New Jersey Supreme Court substituted its opinion for the rule of law. Likewise, by departing from the text of Article II, Section 1, Clause 2 of the U.S. Constitution, the United States Supreme Court substituted its opinion for the rule of law. Both courts did

so because most of today's judges do not perceive themselves as bound by any written text, but as above it.

It was not so in the beginning. When Chief Justice John Marshall ruled that, because it is written, the United States Constitution was the Supreme Law of the land, he also stated that the Constitution, as it is written, governed the courts, as well as the legislature and the executive.³ Marshall understood this because he, like Sir William Blackstone⁴ and Moses,⁵ understood that judges do not make law, but merely discover it and state it.⁶ Until this nation's judges return to that original understanding of the limited role of the judge, they will, both "conservative" and "liberal," give only lip service to the rule of law, while their rulings are far from it. ❏

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¹ *Bush v. Gore*, 531 U.S. —, 148 L.Ed.2d 388 (2000).

² *New Jersey Democratic Party, Inc. v. Samson*, — Atl. 2d — (2002) <http://lawlibrary.rutgers.edu/decisions/supreme/a-24-02.opn.html>.

³ See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, — (1803) "[T]he particular phraseology of the Constitution of the United States confirms and strengthens the principle supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument."

⁴ "[Judges] are the depositary of the laws; the living oracles, ... who are bound by oath to

decide according to the law of the land...[s]o that *the law*, and the *opinion of the judge* are not always ... one and the same thing; since it sometimes may happen that the judge may *mistake the law*." W. Blackstone, *Commentaries on the Laws of England* 69, 71 (Univ. of Chi. Facsimile ed. 1765).

⁵ "And it came to pass on the morrow, that Moses sat to judge the people ... And when Moses' father in law saw all that he did ..., he said, What is this thing that thou doest to the people?... And Moses said unto his father in law, Because the people come unto me to inquire of God: When they have a matter, they come unto me; and I judge between one and another, and I do make them know the statutes of God, and his laws."

⁶ "Judicial power, as contradistinguished from the power of the laws, has no existence. Courts are mere instruments of the law, and can will nothing ... Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect ... to the will of the law." *Osborn v. The Bank*, 9 Wheat. 738, 866 (1824).

Natural Law or God's Law?

There has long been confusion about whether natural law is an acceptable basis for Christian thinking or a Christian view of law. The Declaration of Independence, for instance, equated natural law and God's law when it referred to "the laws of Nature and Nature's God." Jefferson's confusion was partly the rhetoric of a man who was respectful of, but distant from, the Christian faith and partly from the confusion amongst moral philosophers of the era.

Eighteenth century natural law philosophers, and others before them, treated feudal society as a norm rather than an outgrowth of a real, if imperfect, Christianization of society and its relationships in terms of Biblical law. Thus, God's law became a given and hence "natural." Such thinking is not only non-historical, but also distinctly non-Biblical.

Scripture tells us that nature is fallen and man depraved by a sin nature. Nature is not to be seen as a source of law or revelation. Only God is true and only His revelation is law. His creation may reflect His law, but is not a source of it. If nature is the, or even an, independent source of law, then man is its mouthpiece. Natural law is an open invitation to the autonomous mind of man interpreting nature as law.

In a more Christian era, it was easy to see the prevailing ethic as "natural." It was not natural; it was the moral capital of a Christian culture which had self-consciously limited state authority after the fall of Rome, the last great pagan empire of antiquity.

Law does not come from nature; law comes from the Creator of nature. In the physical realm "the laws of nature" are a mis-named reference to God's established laws over the material creation. Likewise, the reference in moral philosophy to "natural law" credits nature as the self-evident source of ethics and law.

Much has happened since the eighteenth century use of the term "natural law." Humanists have become more self-conscious about applying their philosophy, and will not allow God's law into moral philosophy any more than they will allow it into biology classes. If a humanist sees law in nature it is because the mind of man decrees it to be so. In addition, Darwin redefined nature as a random realm of chance. Darwin destroyed the non-Christian's belief in nature as a realm of law and substituted the rational scientist as the interpreter of nature. Modern natural law theorists are thus humanistic, though sometimes conservative humanists. Natural law is, in reality, used as an alternative to God's law, not its equivalent.

If law comes from nature, God's revealed law is depreciated. If law comes from God there is no natural law, only God's law very imperfectly reflected in a fallen world. If moral law comes to man by the revelation of God in Holy Scripture, we do not need to appeal to the fallen world of nature as a substitute revelation. Natural law is a false source of law because nature is a false god. It is time Christians stood for God's law because it is God's law. If the Word of God is insufficient to persuade men of moral absolutes, they will not be persuaded by an ambiguous standard such as natural law.

—Mark R. Rushdoony

Thinking Like A Lawyer

By Jeffrey Tuomala



A few classes into the first semester of law school, students realize that legal education is much more than an advanced game of Monopoly in which they, the players, acquire a basic knowledge and comprehension of rules that can be readily applied to given fact situations.

Ask any law professor, “What is the *raison d’être* of a legal education?” and most likely he will respond that it is to “teach students to think like lawyers.” Thinking like a lawyer involves going beyond the simple accumulation of knowledge and comprehension of rules.

Legal Components

Students expect to operate on the three lowest rungs of Bloom’s taxonomy of educational objectives: knowledge, comprehension, and application. Their professors demand that they function effectively on the three highest rungs of the taxonomy: analysis, synthesis, and evaluation.

Although law students remain very adept at analysis, they have increasing difficulty engaging in synthesis and are virtually unable to engage in evaluation. They are able to break things into components (analysis), but find it difficult to relate the parts to one another in a coherent and comprehensive whole (synthesis). And they have no fixed and objective standards by which they can evaluate rightness and truth. They are faced with the prospect of either redefining what it means to think like a lawyer or embracing the Christian worldview that enables them to think like lawyers.

Primarily, lawyers analyze cases and rules. They typically break cases into parts, which they label as facts, issues, application, and holdings. They break rules into parts, often called elements, and elements into sub-elements. Once they have engaged in breaking cases and rules into components, they must compare them to other cases and rules and bring them together as a whole. This is the process of synthesis. Particular rules must be compared with other rules and cases for consistency, and they must be organized under more general rules or principles that subsume the particulars.

At the highest level of Bloom’s taxonomy is “evaluation.” In law, the rules must be evaluated for rightness and wrong. It is obvious that evaluation is futile if there is no standard by which to evaluate. The futility of the non-Christian’s attempt to engage in evaluation is apparent in one definition of evaluation: “Judging the value of material based on personal values/opinions, resulting in an end product, with a given purpose, without real right or wrong answers.”

In this world of relativism, that the inability of a non-Christian to engage in synthesis is not apparent. Synthesis operates on the assumption that the parts are related to one another and to the whole. There will be a consistency between the parts, the whole will comprehend the parts, and the mental construct will correspond with the world.

We do not engage in analysis, synthesis, and evaluation as three distinct and separate processes. Particulars never exist except in relation to each other and the whole. And particulars

must be evaluated for rightness before we can hope to have a synthesis.

Biblical Law

At the heart of legal reasoning is relating rules, which are general in nature, to fact situations, which are specific in nature. It involves the relationship of universals to particulars, or of the one to the many. R. J. Rushdoony powerfully noted that this basic metaphysical problem is resolved in the Trinity, in which neither the One nor the Many is ultimate, and that each of the persons of the Godhead dwell in perfect harmony with the others.

The view that law is a *corpus juris*, a body of law, is based in Christian theology as it reflects the truths revealed in Scripture. Harold Berman sums this up nicely in his description of the concept of *corpus juris*: “the validity of an enacted law depended on its conformity to the body of human law as a whole, which in turn was to conform to both natural law and divine law” (*Law and Revolution*, p. 146). Most basic law libraries contain a multi-volume legal encyclopedia, titled *Corpus Juris Secundum*. It is an attempt to systematically set forth as a comprehensive whole the law of the United States. It pays tribute to a thousand year old Western legal tradition that law is a comprehensive, consistent body of laws based on truth that corresponds with reality. It reflects how deeply embedded is the Christian notion of a *corpus juris* in law, even today.

Chief Justice Roy S. Moore of the Alabama Supreme Court has championed the restoration of the moral foundation of law. It is easy to see how the Ten Commandments provide a standard by

which to evaluate human laws. They provide a fixed and universal standard of right and wrong. But the law of God also provides the moral standard by which lawyers can engage in the processes of synthesis and analysis. It provides our assurance that the parts will fit together as part of a whole.

The greatest commandment, and the most general statement or principle of God's law, is "love the Lord your God." The second greatest commandment is like it, "love your neighbor as yourself." "On these two commandments hang all the law and the prophets." These two general principles summarize all the particular laws of Scripture. There is no conflict between any of the commands in Scripture. As Paul writes in the book of Galatians, there is no law in Scripture contrary to love. All of the particular commands are subsumed in the law of love and every particular command embodies the law of love. There can be no conflict between the parts or between the particulars and the general. There is in fact a body of law.

The Two Greatest Commandments, then, are a summary of the Ten Commandments and the Ten embody, and give more particular application of, the Two. But Paul tells us that the Ten Commandments are also something in the nature of a summary or statements of general principles of law. All of God's law may be summarized in the Ten Commandments. It is this reality that makes analysis and synthesis possible.

Calvin's commentaries on the Pentateuch arrange and address the entire first five books of the Bible under the headings of the Ten Commandments. This view of law is taught in the Westminster Catechism in question-answer format.

Q. 40. What did God at first reveal to man for the rule of his obedience?

A. The rule which God at first revealed to man for his obedience, was the moral law.

Q. 41. Where is the moral law summarily comprehended?

A. The moral law is summarily comprehended in the ten commandments.

Q. 42. What is the sum of the ten commandments?

A. The sum of the ten commandments is, To love the Lord your God with all our heart, with all our soul, with all our strength, and with all our mind; and our neighbor as ourselves.

Legal Contradictions

Legal positivism became the prevailing legal philosophy of the nineteenth century and in essence prevails today. It did not claim that law was completely divorced from morals. It simply claimed that law did not depend on the adoption of any particular moral values. Legal positivists removed the possibility of evaluation from legal reasoning. At the same time, they retained a belief in the possibility of analysis and synthesis.

Legal positivism was accompanied by the movement to codify the law. Legislators were to base statutes on any values to which they chose to give the force of law. From these general principles were to be deduced more particular laws to be applied ultimately to individual cases. They assumed that law could be given any moral content desired without destroying the ability to relate the parts to one another in a consistent, coherent body of law. Correspondence to the real world was irrelevant because the purpose of law was to create a social order, not to reflect eternal verities.

In the legal academy, the fate of rule of law has become linked to legal posi-

tivism, which is often referred to as formalism. Radicals of the far left who believe that the rule of law is a myth believe that they can prove their point by discrediting legal positivism or its two mainstream twentieth-century offspring — sociological jurisprudence and legal realism. While the analytical positivists believe that lawmakers can enact a comprehensive and logically coherent body of law, the sociological positivists focus on the lawmaker's duty to maximize society's wants. The basis for enacting laws has become the satisfaction of competing desires of diverse interest groups.

Modern man's view of law since Pound is based on interest-group politics and competing interests. As a result there really are no rights, and Constitutional adjudication becomes little more than balancing competing interests and favoring one over another. Because laws are enacted and cases are decided in such a way as to satisfy the desires of competing groups, as opposed to any rational basis, case decisions and statutes become increasingly contradictory. There is no longer a body of law. There are only groupings of laws, many of which are inconsistent. Because there are no absolutes there is no possibility of restoring the *corpus juris* by weeding out that which is not law. At the same time the courts claim that we are a people governed by law not men.

Radical law professors who believe that there is no possibility of law focus on the many inconsistencies in the law as proof that there is no such thing as law. Of course, in order to criticize a lack of logical consistency it seems they must assume the truth of the very thing which they deny — that there is such a thing as logical consistency by which they can judge things inconsistent.

Christian legal education is the only antidote to the fatal conditions of cyni-

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A Christian Philosophy of History: Judgments in History

By Roger Schultz



“History is just a way of separating the good guys from the bad guys.” That’s what I sometimes tell my students, and they like this practical approach to the discipline. Professional historians, however, often scorn attempts to make moral judgments in history, considering it dualistic or “Manichaeian.” Moral judgments in history are inescapable, and the Bible establishes both precedent and paradigm for such judgments.

Historical judgments are unavoidable. Whether they rest upon personal biases, or ideology, or faith, everyone makes evaluations of history, historical figures and the direction of nations. The academics I have known, for instance, usually judge history from a worldview that is liberal or politically correct. The annual meetings of the American Historical Association, have been nicknamed the “race, class, and gender meetings,” because those are the themes and questions that matter most to liberal historians. People may employ different standards to judge the past, but it is clear that judgments are inevitable.

The Bible gives good illustrations of how to make historical judgments. David was a good king. He was sinful, to be sure, and the Bible discusses his failings, but ultimately he was a man after God’s heart. Ahab was a wicked king, although the Bible notes a moment of humility. In short, God gives us brief, straight-forward judgments — about kings, and individuals, and nations.

Historical judgments also have great pedagogical value. I am sur-

prised at how often my young children ask if a certain president was *good* or *bad*. “History is not quite that simple and individual leaders are very complex,” I usually try to explain, wearing my historian’s hat. But I am never successful. They want a simple and comprehensive explanation: something like “President X was a dirt-bag,” or “President Y is our hero.” Then they want me to give a rationale for that judgment: *why* the leader is a bum or a great guy. In other words, they want the criteria we should use in judging history and its leaders. As Christians, we should be eager and able to give our Biblical criteria for moral judgments of the past.

Biblical Parameters for Historical Judgments

Our historical judgments are true and fair in so far as they follow God’s Word. God is the perfect judge, able to assess the depths of the human heart. Though we are unable to judge perfectly and exhaustively, we can make judgments with confidence as we depend upon the standards or measuring stick given in God’s Word.

First, Scripture gives an evangelical measuring stick. Hebrews 11 says that without faith it is impossible to please God and then provides a list of the heroes of the Faith. There are two kinds of people in the world: those living in faithful submission to God, and those in rebellion against Him. Any creditable history will take seriously the question of faith.

Second, Scripture gives a measuring stick of orthodoxy. The New Testament emphasizes a proper, orthodox

Christ-centered faith, and it is clear that *what* a person believes about Christ is critically important.¹ Indeed, in *The Foundations of Social Order*, Rushdoony shows the cultural and political significance of creedal statements. One’s theological commitments will influence the direction of his life and is a valid area of historical scrutiny.

Third, Scripture offers a behavioral measuring stick. Jesus warned that good trees do not produce bad fruit. He predicted that some would even approach Him on the last day saying, “Lord, Lord” — thus professing to know Jesus with some intimacy. Yet Jesus repudiates them, says that He never knew them, and points to their lawless deeds (*Mt. 7:23*). Faithfulness, personal morality, and public virtue are fair items for historical review and assessment. For Christian history, “character counts, and morality matters.”

As a corollary to this, it is absolutely imperative that Christians know the moral law of God and use it as an instrument for judging the past. Jesus said, after all, that He did not come to abolish the Law and the Prophets (*Mt. 5:21*). As the great Baptist Confession of 1689 puts it, “The moral law doth for ever bind all ... to the obedience thereof; neither doth Christ in the Gospel any way dissolve, but much strengthen this obligation.”³ God’s law, then, is a measuring standard for the lives of men and nations.

Fourth, Scripture gives idolatry and false religion as a measuring stick for historical judgments. The first chapter of Romans gives an overview

of human rebellion and shows how people and cultures have repudiated the knowledge of God within them and corrupted the true worship of God. All false religions are rooted in rebellion against God. In *Idols for Destruction*, Herbert Schlossberg offers a compelling contemporary critique of the idolatries of our own age.

Fifth, at the conclusion of Romans 1, Scripture gives a measuring standard of cultural and moral declension. Rebellious and idolatrous cultures are finally given over to grotesque forms of depravity. The Christian can easily “grade” a culture by applying the standard of Romans. (For an example of the temporal judgments falling upon rebellious nations, read Leviticus 18. These wretched nations of Canaan had behaved so abominably, God says, that the land itself “spewed” them out.)

Sixth, Scripture gives a measuring stick of humanism. Referenced in Romans 1, this problem is clearly illustrated in Genesis 10 at the construction of the Tower of Babel. Unified by a common language, a common confession and a common rebellion against God, the people of Babel sought to erect an indestructible tower, to reach to heaven and make a name for themselves. One of Rushdoony’s great contributions was to show the essentially religious and pseudo-salvific nature of humanistic systems. Of the United Nations, for instance, he argues that its first premise is “[s]alvation by law...the hope and salvation of man and of society is through world law.” That stands in stark contrast to the orthodox Christian faith: “For the orthodox Christian, the law cannot save; it can only condemn. The law cannot create true peace and order; it cannot save man and society from the consequences of their sin. Christ alone is the prince and principle of peace and of order, man’s only savior and mediator.”⁴

Seventh, Scripture gives a measuring stick of power. It is instructive to see how individuals and leaders use power and authority. This includes authority in the family (*1 Tim. 3:4*), the church (*1 Peter 5:2-3*), and in politics (*Lk. 22:25*). Do leaders seek to be servants, or are they concerned about capturing power? Do they model the characteristics of leadership given in the Bible?

Deuteronomy 17 has an excellent catalog of requirements for kings and prescriptions for how they should govern. The Bible requires that the king will be a “brother,” coming from the people and not feeling elevated above them. The Bible prohibits kings from doing certain things (amassing wealth, collecting war horses, multiplying wives). Most importantly, God establishes a covenantal or contractual foundation for the monarchy. God required that the king read the law of God, write it out in his own hand (in the presence of the priests), and meditate upon it for all his days. The Word of God was to be foundational for good government.

The warnings about statist government in 1 Samuel 8 also give standards for evaluating nations. The people of Israel sought a king who would judge them and fight for them “like the nations.” (The nations surrounding Israel were pagan and humanistic, governed by deified leaders.) In this request, God proclaims that the children of Israel repudiated His kingship and acted consistently with their Exodus idolatry. God tells Samuel to warn the Israelites of the nature of the humanistic statism they admired. The king would conscript young men for his armies. He would coerce young people into his national service. He would enforce eminent domain, taking the best of their land. And he would tax them at obscene and ungodly rates (10%). We might well expect God’s displeasure on any other nation pursuing statist government.

Eschatological Surety of Historical Judgments

Matthew 25 records that one day Jesus will separate the nations. He will divide the good guys from the bad, the sheep from the goats, the righteous from the dirt-bags. He will review the deeds and faithfulness of the children of earth. One day, a final and perfect historical judgment will be rendered. The task of the Christian historian is to render judgments on history and its actors consonant with the judgments of God’s Word.

Psalm 2 describes the great rebellion against the Lord’s Anointed. This conspiracy is not restricted to the insider-elite; it involves the governors and leaders, peoples and nations of earth. The rebellion is against Christ and His law. Scripture says that this was fulfilled at Calvary (*Acts 2*), when the leaders and peoples of earth conspired to kill Christ. Arising from the Psalm are two questions that can be applied to every person and nation of earth and may be used as tools of historical judgment. First, how do they deal with Christ? Do they honor and submit to the King of Kings? Second, how do they deal with His law? Are they obedient to His Word? The conclusion of Psalm 2 is both forceful and evangelistic: “Do homage to the Son, lest He become angry and you perish in the way... How blessed are all who take refuge in Him!”⁵

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¹ For examples of Scripture underscoring a proper Christology, see Matthew 16:16, I Timothy 3:16, and I John 2:22 and 4:1-3.

³ London Baptist Confession 19:5. The London Baptist Confession of 1689 is a magnificent Baptist doctrinal formulation, based upon the Westminster Confession of Faith.

⁴ Rousas Rushdoony, *The Nature of the American System* (Fairfax, Virginia: Thoburn Press, 1978), 115-116.

America's Central Banks

An Evaluation of How They and The Federal Reserve Bank Have Performed — Part 2

By Tom Rose[©]



Vera Smith made an exhaustive study of central banks in 1935. She sought the answer to two questions: “Why do central banks come into being in the first place?” and “Why have they persisted?” Here is a summary of her findings:

[T]he early ones [central banks] were founded for political reasons connected with the exigencies of State finance . . . but once established, the monopolies persisted right up to and beyond the time when their economic justification did at last come to be questioned . . . and thereafter the superiority of central banking over the alternative system [*i.e.*, the system of free banking] became a dogma which never again came up for discussion and was accepted without question or comment in all the later foundations of central banks. . . .¹

A central bank is not a natural product of banking development. It is imposed from outside or comes into being as the result of Government favours.²

She points out that, under a system of true free banking:

No bank would have the right to call on the Government or on any other institution for special help in time of need. No bank would be able to give its notes forced currency by declaring them to be legal tender for all

payments. . . . A general abandonment of the gold standard is inconceivable under these conditions, and with a strict interpretation of the bankruptcy laws any bank suspending payments would at once be put into the hands of a receiver.

A central bank, on the other hand, being founded with the aid either direct or indirect of the Government, is able to fall back on the Government for protection from the disagreeable consequences of its acts. The central bank, which cannot meet its obligations, is allowed to suspend payment and to go off the gold standard, while its notes are given forced currency. The history of central banks is full of such legalised bankruptcies.³

When President Franklin D. Roosevelt issued his Executive Order in 1933 that denied Americans their right to convert Federal Reserve Notes into gold, he in effect relieved the Federal Reserve from its legal obligation to either “pay up on demand” or go bankrupt. In short, the banking elite escaped the legal responsibility of “paying up on demand,” thus the burden of debt incurred by elite financiers was forcibly shifted onto the common man.

A bonafide gold-coin standard (the legal guarantee of converting paper banknotes into gold or silver coins upon demand) was still in effect in 1913 when Congress passed the Federal Reserve Act. We are again re-

mindful of Biblical admonitions that people should not place their trust in princes (*Ps. 118:9; 146:3*).

The Blessing of a Gold-Based Currency

As the [Second] Bank was closing down (1833-1835), the Treasury reported the following increases in the circulation of metallic coins. This additional circulating media replaced the paper banknotes which the Bank was forced to draw out of circulation because of the reduction in government deposits held by the Bank:

1833:	Gold	=	\$978,550
	Silver	=	2,759,000
	Copper	=	28,160
	Total	=	3,765,710
1834:	Gold	=	3,954,270
	Silver	=	3,415,002
	Copper	=	19,151
	Total	=	7,388,423
1835:	Gold	=	2,186,175
	Silver	=	3,443,003
	Copper	=	39,489
	Total	=	5,668,667
Totals	Gold		7,118,995
	Silver		9,617,005
	Copper		86,800
	Total		16,822,800

What is the significance of the amount of metallic coinage issued by the Treasury to replace the paper banknotes that had been issued by the [Second] Bank? The answer is straightforward:

“Power is where the gold is!” If gold (and silver) is in the hands

of the civil government or in the hands of central bankers, *they* are the ones who wield economic and political power over the citizens. But if gold (and silver) is in the hands of citizens, then *they* are the ones who are in a position to wield economic and political power over the civil authorities and bankers. The people can wield such power through the simple process of invoking what I call their “veto power,” by cashing in their paper money or checking accounts to withdraw gold (or silver) from the banking system. A gold-coin standard guarantees the right of people to exchange paper money for gold (or silver) whenever they choose to do so, for any reason, or for no reason at all. When in the hands of ordinary citizens, this robust monetary discipline sends helpful chills of fear into the hearts of both civil authorities and bankers. It keeps them honest! And politicians, government bureaucrats, and central bankers especially, *do not* like to live in such a wholesome atmosphere of citizen-imposed discipline! When such power is in the hands of politicians and banks, the people suffer under tyranny. But when such power rests in the hand of citizens, people enjoy the blessings of freedom, self-responsibility, and privacy from government snoops. In a republic, the only safe repository for insuring honest control of the money and banking system is in the hands of widely dispersed individuals.⁴

This widespread dispersal of economic power in the hands of the common man is exactly what President

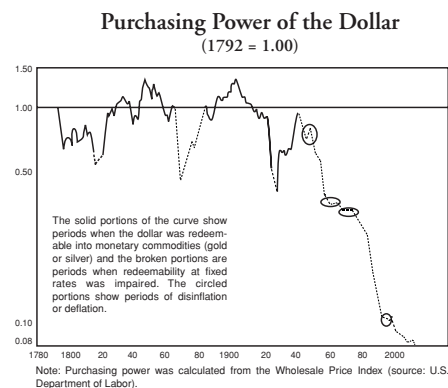
Andrew Jackson achieved in his successful battle against the [Second] Bank. His elimination of America’s second central bank had a lasting and dynamic effect of empowering the average citizen economically and politically.

Boom/Bust Cycles

If we observe the historic expansions and contractions of the economy, which were caused by monetary injections (inflation) and monetary contractions (deflation), this is what we find: From 1800 to the present, we see that almost all economic “boom periods” were the result of injecting newly created unearned purchasing media into the economy by the civil authority and/or banks. These injections of unearned money caused prices and nominal profits to rise (and wages also), thus sending false economic signals to business entrepreneurs. These false economic signals led business entrepreneurs to make over-energetic decisions through which they made mal-investments, thereby generating losses instead of the hoped-for profits. Only banks, civil rulers, and counterfeiters are able to inject new, unearned money into the economy, with the effect of debauching the purchasing power of already-existing money. At heart, this is a moral problem regarding the commandment “Thou shalt not steal!”

During the 1800s general price levels always tended to return to “normal” after the inflationary booms, but only under one necessary condition: The *necessary condition* is the existence of a gold/silver-based monetary system through which citizens have the legal right at all times to demand conversion of government-created or bank-created paper money into gold or silver coins. Whenever this necessary condition existed, the U.S. dollar tended to rise in purchasing value

over the long term, but whenever this necessary condition was not in operation, the purchasing power of the dollar tended to decline. Please study the following graph which shows the purchasing power of the dollar over the last 200 years (with 1792 = 1.00):



In 1933 President Franklin D. Roosevelt issued his unconstitutional Executive Order which took America off the gold standard. American citizens acquiesced because they trusted their civil rulers (a deadly mistake!). Since that time the purchasing power of the dollar has gone into a steep decline which has never been reversed. This long-term drop in the purchasing power of the dollar (rising price levels) is the direct result of the federal government and the Federal Reserve Bank having colluded with each other to generate a long-continued inflationary spiral, the result of ever-increasing deficit spending for both domestic and wartime spending and spending on so-called “foreign aid.” All of this was financed by rising levels of taxation and insidious money-creation by the Federal Reserve Bank.

By the year 2000, the long-term inflationary monetary policy followed by the federal government and the Federal Reserve generated the largest speculative bubble in America’s history, which is now in the process of disintegrating. It was the elimination

of the gold standard in 1933 that made this long-term inflationary spi-

...the existence of the Federal Reserve Bank has not protected the purchasing power of the dollar, but has actually aided and abetted its demise!

ral possible. Remember, the people's legal right to express their "veto power" by demanding gold and silver coins in exchange for government-created and Federal Reserve-created paper money was taken away from them in 1933. With loss of the gold standard, Americans would no longer be able to impose a healthy economic discipline on civil rulers or on their central bank by forcing them to convert paper dollars into gold coins.

The purchasing power of the dollar dropped consistently, from almost 100 cents on the dollar in 1933, to only 8 cents in the year 2000. As we can see, the existence of the Federal Reserve Bank has *not* protected the purchasing power of the dollar, but has actually aided and abetted its demise! The loss of almost 92% in value of the dollar since 1933 tells the whole sad story! Contrary to promises that misled the American people to accept it in 1913, the Federal Reserve has proven to be a collusive "engine of inflation" which has systematically and insidiously served to plunder Americans of their wealth by debauching the currency.

While wartime spending by the federal government was reversed after World War I, the Federal Reserve, which helped finance the war through money creation, purposely turned to inflating the money supply again in 1924 to keep interest rates down. The purpose was to assist Britain to return to the gold standard at an unrealistic price in terms of Britain's monetary unit, the pound. In 1924 Montagu Norman, President of the

Bank of England, invited Benjamin Strong, Governor of the New York Federal Reserve Bank, to visit him in England. Strong colluded with Norman for the Federal Reserve to follow a "loose" monetary policy to reverse the gold flow that America was attracting because of our higher interest rates. This policy caused a speculative bubble in the stock market which ended in the stock market crash of 1929. The underlying cause of the 1920s boom and the Great Depression in the 1930s was misguided monetary policy implemented by the Federal Reserve.⁶ Since establishment of the Federal Reserve in 1913, the way was open for political rulers, in secret collusion with the Federal Reserve, to use deficit spending to involve Americans in one foreign war after another and to embark on massive domestic spending programs through which citizens would be seduced to surrender their historic constitutional freedoms, thus becoming economically dependent on the central government. The above graph showing the purchasing power of the dollar cries out to be studied and clearly understood by freedom-loving individuals.

How Has the Federal Reserve Performed?

With the establishment of America's third central bank in 1913 (the Federal Reserve Bank), the big-bank interests had succeeded in giving birth to a "lender of last resort" which would be used time and time again, at taxpayers' expense, to bail big banks out of bad loans which were created through their own periodic monetary inflations.

When World War I broke out in 1914, the House of Morgan — which dominated the Federal Reserve at that time through Benjamin Strong (Governor of the New York FRB), and which had long-term financial ties with key banking interests in England

— sent Henry P. Davison, second in command at J.P. Morgan & Company, to England. He secretly negotiated to have the House of Morgan named as the sole purchasing agent in these United States for the Allied Powers (England and France). The House of Morgan also became the underwriter to market all the bonds in America that England and France would issue and sell to American citizens to pay for the immense amount of war materials needed to conduct the war against Germany.⁷ Sale of these foreign bonds to Americans was fostered by the "loose" monetary policy the Fed followed during World War I to facilitate aiding the Allies. It served to involve these United States of America more deeply in the constant European wars, something President George Washington warned us about in his Farewell Address.

These international financial arrangements also gave the Morgan banking interests a strong motivation to see that England and France would win the war as assurance that they would pay off the bonds. Indeed, the British government set up an active propaganda office in New York City to flood the news media with false reports to change the existing pro-German public opinion in America to a pro-British stance. Thus, it is quite accurate to say that international banking intrigue and collusion served to induce Americans to "sell" war goods to England and France via credit-based banking in World War I. This served to draw America into its first foreign war during the twentieth century — an insidious and little-understood process that would be repeated again and again right up to the present time.

Murray Rothbard writes:

During World War I, Strong promptly used his dominance over the banking system to cre-

ate a doubled money supply so as to finance the U.S. war effort and to insure an Anglo-French victory....⁸

The same process of massive loans to Britain and France — coupled with the Federal Reserve's unlimited power to create unearned, credit-based money — was again largely responsible for dragging these United States of America into World War II on the side of the Allies. My point in emphasizing this fact of history is to drive home this truth: The very existence of central banks with their money-creating power makes it much easier for political rulers and the elite powers behind the scenes (*Eph. 6:12*) to involve peace-loving citizens in foreign wars. Citizens are much less susceptible to acquiesce in the war-mongering intrigues of political leaders and special interest groups when they have to pay for wars on a pay-as-you-go basis through higher taxes.⁹

A look at some 200 years of United States monetary history shows that gold-based and silver-based money is the common man's best friend when it comes to protecting the purchasing value of money. The guaranteed legal right of citizens to "trade in" their paper money for gold or silver coins, at any time they wish, is the only proven means of ensuring that the purchasing value of their money won't be insidiously debauched. The existence of a central bank will inevitably undermine the assurance of converting paper money into gold.

Where Are We Now?

In 2002 our country went through the deflationary phase of a long-continued inflationary monetary boom that was engineered by the Federal Reserve. Here is the recent history:

In 1985 U.S. monetary officials attended a meeting in Japan to engage in what is called "international monetary cooperation" (international monetary *collusion* would be a more accurate term to use). As a result, the Federal Reserve agreed to follow a "loose" monetary policy to hold down interest rates. This policy was almost an exact replay of the collusive agreement that Governor of the New York Federal Reserve Bank, Benjamin Strong, made with Montagu Norman in England in 1924, creating the speculative bubble of the 1920s which ended in a massive stock market crash in 1929. The collusive monetary agreement of 1985 also induced a speculative stock market bubble, ending in the stock market crash of 1987.

To reverse falling stock prices, the Federal Reserve flooded the market with newly created, unearned money and encouraged private banks to readily supply loan money to stockbrokerage firms. Since 1987, every time the stock market sagged, the Federal Reserve has supported stock prices by injecting new money into the economy, resulting in rising price levels and lower interest rates which severely reduced the real incomes retired persons received from their savings. Thus, one segment of society (big banks) was helped by Federal Reserve monetary policy while other segments (retired people) were hurt. This is what Frederic Bastiat termed as "legal plunder" in 1849:

But how is this legal plunder to be identified? Quite simply. See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime.¹⁰

The question to pose is, "Should central bank policy be used to benefit

some segments of society at the expense of others, thus engaging in legal plunder?" Or better yet, does the history of America's central banks — the [First] and [Second] Banks of the United States as well as the Federal Reserve — show them to have been a blessing or a curse to Americans? Central banks are not necessary to the economic health of a country; they engage in a form of legal plunder by favoring certain special-interest groups at the expense of others, and they pose a real threat to, not only the political and economic freedom of the people, but also to their peaceful economic progress.

What Is the Conclusion?

An historical review of America's monetary and banking system shows that the existence of central banks:

- 1) Has not protected the purchasing power of the dollar, but rather has served as an insidious "engine of inflation" to systematically debauch the currency.
- 2) Encourages monetary collusion between international banking elites.
- 3) Makes it easier for civil rulers to involve our country in foreign wars through credit-based deficit spending.
- 4) Did not preserve the gold-coin standard but rather encouraged inflationary monetary policies that led to abandonment of the gold standard, thus robbing citizens of their individual "veto power" over the grandiose spending of civil rulers, and making citizens more dependent on civil rulers and government-bestowed "dainties."
- 5) Fostered the development of fascism (national socialism) in

America by empowering the Federal Reserve to constantly manipulate the economy for the benefit of powerful business, banking, and political interests, thus leading to periodic inflationary boom/bust cycles which tend to impoverish ordinary citizens.

- 6) Poses a real threat to the economic and political freedom of American citizens.

Do not the blessings of liberty and self-responsibility demand that the control of money rest safely in the hands of citizens who individually have the power, at any time and for any reason, to “veto” the grandiose spending plans of civil rulers and the money-manipulation schemes of central bankers by demanding gold and

silver coins in exchange for paper money in order to protect their hard-earned wealth and economic independence?■

Tom Rose is retired professor of economics, Grove City College, Pennsylvania. He is author of nine books and hundreds of articles dealing with economic and political issues, including economic textbooks for use by Christian colleges, high schools and home educators. Rose's latest books are: *Free Enterprise Economics in America and God, Gold, and Civil Government*, published by American Enterprise Publications, 177 N. Spring Road, Mercer, PA 16137. Phone: 724-748-3726; Website: www.biblicaleconomics.com.

¹ Vera C. Smith, *The Rationale of Central Banking* (Westminster, England: P.S. King & Son Ltd., 1936; reprint, Indianapolis, IN: Liberty Press, 1990), 167-68.

² *ibid.*, 169.

³ *ibid.*, 170.

⁴ For many years I shared this maxim with students in my classes of Money and Banking and Economics.

⁵ “The Investor’s Dilemma,” *Research Reports*, American Institute for Economic Research, 23 December 2001, 137.

⁶ For a detailed discussion of gold and its role in preserving man’s economic and political freedom, See: Tom Rose, “All About Gold,” chap. in *God, Gold, and Civil Government* (Mercer, PA: American Enterprise Publications, 2002), 101-125.

⁷ Murray N. Rothbard, *The Case Against the Fed* (Auburn, AL: The Ludwig von Mises Institute, 1944), 128.

⁸ *ibid.*, 129.

⁹ We saw this process being implemented through the 2002 propaganda program to convince American citizens of the “need” to attack Iraq.

¹⁰ Frederic Bastiat, *The Law* (Irvington-on-Hudson, NY: The Foundation for Economic Education, Inc., 1974), 21.

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FOCUS on Dominion

by Ford and Andrea Schwartz

Friends of Chalcedon is pleased to share information about a **contest** open to persons **16 – 19 years old**.

Topic: How have you applied the Dominion Mandate in your life?

And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth (Genesis 1:28).

Essay: Entrants must submit an essay (750 – 1000 words) describing their particular application and execution of the Dominion Mandate. The essay must include specifics of something they have actually participated in and the details of their participation. No abstract ideas that have never been tested are eligible.

Verification: Each essay must be accompanied by two attestations that the Dominion Mandate application described has actually taken place and that the report of such is accurate and honest. A parent or pastor must be one of the attestations and contact information for them must be included.

Awards:	First Place	--	\$500
	Second Place	--	\$300
	Honorable Mention	--	\$200

Judging: A blind judging system will be used to determine the winners. The decision of the judges will be final.

Deadline: Submissions must be received before April 20, 2003.

Entry and attestation forms can be found at www.chalcedon.edu

Emmaus Christian Fellowship is underwriting this contest as part of its continuing effort to equip Christians to defend the Faith. For more information about the contest or ways to support this ministry contact:

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Statism and Theological Liberalism

By Timothy D. Terrell



Recently, in preparation for a conference presentation, I spent some time surveying the social doctrines of several Protestant denominations. I was reminded, as I went through social creeds and policy statements, of the strong and consistent relationship between theological liberalism and the political philosophies that give enormous power to the state. Why is it that the same people who hold to some form of theological liberalism so often adhere to statist ideas? What is the path that takes a person from denying orthodox Christianity to glorifying the state?

The connection is certainly too common to be accidental. Theologically liberal organizations such as the World Council of Churches are invariably hostile to capitalism and amenable to most of the key tenets of socialism. Statism of one variety or another is pervasive in the mainline Protestant denominations — one need only read the social creeds of the Episcopal Church, Evangelical Lutheran Church, Presbyterian Church (USA), United Methodist Church, and others to see the trend. Even within denominations, both conservative and liberal, the more theologically liberal congregations tend to lean left politically.

Statism and Anthropocentrism

Theological liberalism leads to statism because liberalism is anthropocentric — it makes religion into something human-centered. The logi-

cal, if not explicit, conclusion of liberal theology is that God is a creation of man, a fiction that man creates for his own comfort. The idea of a god may be a crutch to help get him through life, to make sense out of chaos, so that the god is really the servant of men. Man, therefore, becomes the origin of law, and only a humanistic social order can be consistent with this theology. Doing good to other humans, or humanitarianism, is righteous in itself, and not because it is what God has commanded. As R. J. Rushdoony noted in *Politics of Guilt and Pity*:

[Theological liberalism] accepts either the autonomous reason of man or the autonomous state as its basic political center and principle, and it calls a state “Christian” insofar as it ministers to human needs and “human rights,” not in terms of any theocentric standard. In terms of theological liberalism, to be “Christian” is to be humanitarian, and, in terms of this, the Merriam-Webster Second International Dictionary has defined “humanitarianism” as “The doctrine that man’s obligations are limited to, and dependent alone on, men and human relations.” ... This is the framework in terms of which theological liberalism has championed statist action as “Christian” morality.¹

“Good” itself is redefined as that which man’s reason tells him will bring the greatest benefit to the greatest number. Because there are varying definitions of “benefit,” some political

What is the path that takes a person from denying orthodox Christianity to glorifying the state?

process must be invoked to discern the “greatest benefit.” This may be democracy or totalitarianism (or both!), but it will certainly not be limited by divine law. As Rushdoony wrote:

[T]he democratization of society goes hand in hand with the divinization of the state. Power and right are withdrawn from God and given to the people. When the people become the locale of right and power, that right and power express themselves in the form of the state, the high point of power and the god of the system.²

Even “conservative” or “fundamentalist” congregations that hold to a man-centered doctrine of salvation, or man-centered forms of worship, sometimes are infected with statism. It is a different form of statism, often manifested in a flag-waving nationalism that supports foreign military intervention, tariff protection of certain American industries, and an uncritical, reverential awe of state power. I cannot count the number of students I had (when I was teaching at a conservative, Arminian-dominated Christian university) who told me that they aspired to be FBI or DEA agents. Patriotism is confused with allegiance to the civil government, and these Christians see capturing control of the machinery of political power as the foremost route to national righteous-

ness. This theological path to state-worship is an old one. Arminianism's man-centered view of salvation has for centuries been associated with statism, like the Anabaptist Hussite communes of the early 1500s in Eastern Europe.

"The Socialist Church"

To those observing the visible church from the outside, it may appear that Christianity has become simply another lobby for an expansive state, particularly since the theologically liberal churches are wealthy and high-profile. Before the emergence of the Christian Right in the 1980s, market-friendly policies had very few organized defenders within the church, and generalizations about a socialist church were understandable.³ The great Austrian economist Ludwig von Mises, who spent his life opposing statism, saw that people calling themselves "Christian" had become overwhelmingly statist in the twentieth century. In *The Anti-Capitalistic Mentality*, he noted:

Everywhere eminent theologians tried to discredit the free enterprise system and thus, by implication, to support either socialism or radical interventionism. Some of the outstanding leaders of present-day Protestantism — Barth and Brunner in Switzerland, Niebuhr and Tillich in the United States, and the late Archbishop of Canterbury, William Temple — openly condemn capitalism and even charge the alleged failures of capitalism with the responsibility for all the excesses of Russian Bolshevism.⁴

Barth was the archetypal theological liberal, the originator of neo-orthodoxy. Although Barth opposed Nazism in Germany, he was remarkably tolerant of communism. In his *Epistle to the Romans*, Barth spoke of an "hour which fulfills history, when the now dying glow

of Marxist dogma will illuminate a new global truth, when the socialist church will be resurrected in a socialist world."⁵ In 1915 Barth had written that a "true Christian must be a socialist." Barth's statism was a direct consequence of his theology, which separated God utterly from the world and from history. As Rushdoony noted, "Barth's God is like an empty dead-letter office set up to receive letters to Santa Claus." Because Barth viewed God as a super-transcendent "essence of the possible," he certainly could not be immanent, or present with his creation. "Having reduced God and the transcendent to 'the possible,' Barth left the state free to be the very present reality and being."⁶

Reinhold Niebuhr was another neo-orthodox theologian who was at one time in his life enamored with communism, being taken with "the dramatic successes of the Russian Revolution...."⁷ Niebuhr was instrumental in founding the Fellowship of Socialist Christians in 1931, though he later moderated his views away from straight socialism.

Niebuhr, Barth, Brunner, and like-minded others show that Mises had hit on an important relationship between theology and political ideas. When Mises was writing *The Anti-Capitalistic Mentality*, the recognized leaders of Protestantism were decidedly statist. Their adherence to socialism was evidenced not only in their writings, but also in their actions and the actions of their followers.

The universalist component of theological liberalism led to calls for state-run wealth redistribution schemes. Some even argued that private charities should shut down their operations so that the state would be "forced" to get involved. Marvin Olasky, in his excellent book *The Tragedy of American Compassion*, summarized the connection:

...the Greeleyite idea that all should by natural right have a piece of the pie, whether or not they contributed to its making, was gaining vast intellectual and theological support. Just as it was considered unfair within the new, liberal theology that anyone should go to Hell — even if there were something called sin, God was considered responsible for it — so it was unfair that anyone should physically suffer in this life. The universalistic theology that all must be saved, regardless of their belief and action, was matched by a universalistic sociology that all must receive provision.⁸

Reinforcing this was the idea that man was essentially good, and was corrupted only by his environment. Olasky described the early twentieth-century novelist Hall Caine's optimistic social gospel:

[T]he world is constantly growing better and happier...there can hardly be any doubt about this [when one sees] the changes which the century has brought about in the people's health, education, and comfort.... People are better housed, and for that reason, among others, their morality has improved.⁹

In contrast, as Rushdoony wrote, "Scripture is clear that it is not poverty which is the central problem of mankind and the key evil, but sin, which is 'any want of conformity unto, or transgression of, any [sic] law of God' (Shorter Catechism, no. 14)."¹⁰

Statism and Eschatology

At least when the liberal churches of the early twentieth century jumped on the socialist bandwagon, they were acknowledging some rough connection between the mandates of the Bible and public policy. And, unlike many Chris-

tians of today, they thought they would succeed! It was an optimistic, though badly warped, eschatology that motivated many of their social endeavors. Their postmillennialism was humanistic, not theocentric — it depended on man to usher in the kingdom by alleviating the physical suffering of other men. The spiritual content of their work consisted mainly in comforting and cheering the objects of their charity — but since sin was being de-emphasized, urging repentance and faith in Christ was logically incompatible with the mission.

This is clear from the statements of some of the early liberal social workers. In 1920, Owen Lovejoy, president of the National Conference of Social Work, described social workers and their associates as “social engineers” who were able to produce “a divine order on earth as it is in heaven.”¹¹ Calling the atoning sacrifice of Jesus Christ “spiritual cannibalism,” he rejected the “belief in the sacrifice of another in order that the wrath of God may be cooled, and he may find it possible, without violating eternal justice, to forgive those who have broken his law.” Lovejoy preferred the idea that there is “divinity in every man” and emphasized “human improvableness.”¹²

For Lovejoy and other social workers, socialism was obviously the best way to achieve paradise on earth. Propaganda reports coming in from the Soviet Union (reports which continued even to the mid-1930s with Beatrice and Sidney Webb’s fawning *Soviet Communism*) reinforced the optimism in state planning and control. This was to prove an embarrassment for liberal churches when the Soviet regime and its client states collapsed about 1990. Yet it was not embarrassing enough. With amazing tenacity, liberal churches have clung to socialist ideas, and even expanded them into new areas — environmen-

tal protection being a favorite. The basic idea of state planning is held to be intact; it was the execution of the idea under the Soviets (or Chinese, or Cambodians, or...) that was at fault. Too much power was taken from *the people*, who, being basically good, would of course not vote themselves into tyranny. Perhaps democratic nations, then, could grant power to the civil government without the unfortunate consequences observed under communism. Hope springs eternal.

Yet slavery can originate in democracy just as easily as it can issue from an oligarchy or a dictatorship. In a sense, humanitarian liberalism is a kind of slavery — the unceasing labor to establish one’s righteousness by works instead of trusting in the righteousness of Christ. As the great J. Gresham Machen wrote:

The grace of God is rejected by modern liberalism. And the result is slavery — the slavery of the law, the wretched bondage by which man undertakes the impossible task of establishing his own righteousness as a ground of acceptance with God. It may seem strange at first sight that “liberalism,” of which the very name means freedom, should in reality be wretched slavery. But the phenomenon is not really so strange. Emancipation from the blessed will of God always involves bondage to some worse taskmaster.¹³

Thus theologically liberal churches remain statist in their social statements. The battle against statism is theological at its core. It will not be won until the larger contest for Biblical orthodoxy is decided. ☐

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Law and Economics, at <http://www.christ-college.edu/html/cble/>.

¹ Rousas J. Rushdoony, *Politics of Guilt and Pity* (Vallecito, CA: Ross House Books, [1970] 1995), 316.

² *ibid.*, 320.

³ Regrettably, the prevailing eschatology of the Christian Right movement also produced some undesirable characteristics, such as a vehement Zionism.

⁴ Ludwig von Mises, *The Anti-Capitalistic Mentality* (Princeton: Van Nostrand, 1956), 45.

⁵ Cited in David W. Hall, *Savior or Servant? Putting Government in Its Place* (Oak Ridge: Covenant Foundation, 1996) 317.

⁶ Rousas J. Rushdoony, *Christianity and the State* (Vallecito, CA: Ross House Books, 1986), 93.

⁷ Reinhold Niebuhr, “Moral Man and Immoral Society” (New York: Scribner’s, 1960), in David W. Hall, *Savior or Servant? Putting Government in Its Place* (Oak Ridge: Covenant Foundation, 1996), 327.

⁸ Marvin N. Olasky, *The Tragedy of American Compassion* (Washington: Regnery, 1992), 137.

⁹ *ibid.*, 138.

¹⁰ Rousas J. Rushdoony, *Roots of Reconstruction* (Vallecito, CA: Ross House Books, 1991), 1033.

¹¹ Marvin N. Olasky, *The Tragedy of American Compassion* (Washington: Regnery, 1992), 144.

¹² *ibid.*, 145.

¹³ J. Gresham Machen, *Christianity and Liberalism* (New York: McMillan, 1923), 144.

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cism and legal relativism. Mainstream lawyers whose belief in the rule of law is waning are left with two choices — embrace the Christian faith, which provides the basis for the rule of law, or quit playing law and acknowledge that there is no law, there is only politics. ☐

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of power in the world against it. But they were convinced that all this power was already crumbling away. They knew it, and soon (they thought) everyone would know it. So they refused to be intimidated.¹

The rite of baptism is a part of this holy confidence, the belief that we are “more than conquerors” in Christ (*Rom. 8:37*). It is an aspect of our vision of the future, that the world powers are crumbling, and that we are citizens of a kingdom that shall have no end.

We therefore rejoice in baptisms, in a child’s or an adult’s, because we know that, whereas death reigns outside of Christ, we are in Christ’s kingdom, and He shall prevail.☩

¹ Dodd, C. H., *The Coming of Christ* (Cambridge, England: University Press, 1951), 5.

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lowing the commands of a judge, which could be different under the next judge.

Much more is at issue in this case than whether this particular monument rests in this particular state judicial building. The question is also whether the Ten Commandments, and the rule of law they represent, will govern the courtrooms of the states and the nation or whether “law” and its language will be pure judicial caprice. “The question is,” as Humpty Dumpty said, “which is to be master — that’s all.”☩

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¹ From *Through the Looking-Glass and What Alice Found There* by Lewis Carroll (1872).

² William Blackstone, *Commentaries on the Laws of England*, Vol. I [A Facsimile of the First Edition of 1765-1769] (Chicago: University of Chicago Press, 1979), 39-41.

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by the values of paganism and statism as symbolized by Themis at the Federal Courthouse? “Choose you this day whom ye will serve” (*Jos. 24:19*).

A final thought: Many Ten Commandments displays have been challenged in court in recent years. Some courts have ruled the displays unconstitutional; others have upheld them. Those that have upheld the displays have reasoned that the Ten Commandments have secular value as commemorating our history and providing a moral basis for law.

In a sense, though, both sides have been argued from humanistic premises. Ten Commandments displays are unconstitutional because they impose Judeo-Christian religion upon other people. Or, Ten Commandments displays are constitutional because they aid civil government.

But in many Ten Commandments cases, both sides argue as though God doesn’t necessarily exist. Decalogue supporters often argue that even if God doesn’t really exist, the fact that people *believe* He exists makes them more willing to respect legitimate authority, recognize and protect human rights, tell the truth, and refrain from committing crimes. In other words, it is the *belief* in God and the Ten Commandments, not the objective existence of God or the objective validity of the Commandments, that gives them secular value and legitimizes their public display.

But what if God really does exist? What if the Ten Commandments truly reflect His eternal will and command? How would *that* affect modern jurisprudence?☩

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in your city because it “is the law of the land,” then the council members could rightly and with all Biblical authority respond to the state or federal officials by saying, “whom should we obey, God or man?” The council members are empowered by their office to do what I as a private individual am forbidden to do, that is, hold these erring magistrates accountable.

In the meantime, there are glimmers of hope in America. Last November the nine aldermen of Wisconsin Rapids voted unanimously to accept a nativity scene for inclusion in the city’s Christmas time display despite the threat of a lawsuit from the Freedom From Religion Foundation, according to Mat Staver of Liberty Counsel. I wholeheartedly agree with Mr. Staver when he says, “It is encouraging to see a city that is not afraid of the empty threats of radical organizations.” In Alabama, Judge Moore continues his battle to publicly display the Ten Commandments.

My prayer will be that many other “lesser magistrates” throughout America will learn from their example; review the stories of Joseph, Daniel, and Nehemiah in the Scriptures; and then join in the battle for our nation and western civilization.☩

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¹ John Calvin, *Institutes of the Christian Religion*, Book IV, Chapter XX, section 31.