

LEGISLATING MORALITY

“rendering to Caesar what is Caesar’s”

Key question

In a pluralistic society like the USA to what extent can or should a basic morality be legislated?

Key text

John 18:36

“My kingdom is not of this world”

Introduction: (copy from theology file #807)

The *Colorado Springs Gazette Telegraph* in reviewing the Disney animation classic, *Pinocchio*, called it “a catalog of ’40’s prejudices.” Honesty, dependability, self-control, and having a clean conscience were once *virtues*; then they became *values*; and now, apparently, they are *prejudices*. This might be termed ACQUIRED INTEGRITY DEFICIENCY SYNDROME.

1. What is the nature of the American Democratic Republic? — Our culture is built upon three ideas:

- a. A Biblical value system held on a deeply personal level
- b. A Democratic government centered in the people
- c. A Capitalistic free enterprise economic system

NOTE: If the spirit is eroded, democracy becomes the manipulation of the foolish by the clever and capitalism becomes the exploitation of the poor by the rich.

2. How are we as Christians to apply Biblical ethics to the modern world?

- a. Do the challenges of modernity (science, technology, mobility, international economy, global political community, etc.) represent a difference in degree or in kind to the issues addressed by the Biblical writers?
- b. If they do represent a difference in kind (or a significant difference in degree) so as to render the N.T. teaching only indirectly applicable, how do we proceed?

A. Don’t overstate the extent to which America is a “Christian nation.”

1. There are four forces that made a contribution to the development of our republic.
 - a. **Classic Republican model** — This model respects both the necessity of respecting self interest and societal interests. It sees social restraint as necessary for controlling self-interest that may be destructive to community. This is in contrast to both raw self-interest and raw societal interest.

- b. **Puritan Christian values** — These values include a God-ordained and sanctioned plan centered in a covenant community of individuals and state interests.
 - c. **Enlightenment ideals** — Rationalism, Humanism
 - d. **Pluralism** — tolerance. The Mayflower Compact (which was overtly Christian) reflected the model of Great Britain, a model that was consciously rejected by the new pluralistic republic’s founders.
2. America was founded as a **“Christian nation”** only in the sense that it:
 - a. Assumed that we live under a sacred canopy - a God-centered universe.
 - b. Assumed a personal and public ethic shaped (roughly) by Biblical moral law.
 - c. Assumed a personal moral accounting of individual conscience before God.
 - d. Assumed a sense of Divine calling and favor.
 - e. Assumed a view of humanity that respected both its dignity and depravity.
 3. America was not an evangelical Christian nation, but rather a nation that held to a very **general Biblical ethic** and worldview.
 - a. It was a secular state with the soul of a saint. It separated the state from the church (any one denomination or sect), but not the state from a generic theism.
 - b. Thomas Jefferson called it “general religion” (the general creed that distills values common to all sects, in all religions, from all cultures).
 - c. The Mayflower Compact, which was overtly Christian, reflected the system from which the colonists had come in Europe. It was not adopted as representative of the new American Republic.

B. Respect the balance that is present in the American democratic republic.

1. **It is two principles** held in balanced tension.

E PLURIBUS	UNUM
Diversity	Unity
Enlightenment ideals	Classical & Biblical values
Freedom	Order
Individuality	Community
Personal choice	Common good
Personal rights	Social responsibilities
Man is exalted by self	Man is both sacred & sinful
Man deserves freedom	Man needs restraint
A democracy	A republic
The Constitution	The Bill of Rights

2. **Neither of these two forces can to be allowed to dominate** or eclipse the other.
 - a. America is not to be **E PLURIBUS (Period)** — a radical democracy where everyone is free to do what is right in their own eyes, a tyranny of the masses.
 - b. Nor is America to be **E PLURIBUS UNUM (IN CHRISTO)** — a theocratic state where unity is “in Christ” or defined by evangelical Christianity.

3. **The preservation of this balance is fragile** and only possible with the cooperation of the great institutions of our nation — the universities, the churches, the courts, and the legislative government.
 4. **There is ample evidence for a respect for UNUM in early America.**
 - a. Laws of nature and **nature's God**. Illustration: *incest, sanctity of life and property, marriage, civil order, etc.*
 - b. The national motto — E PLURIBUS UNUM (in diversity, unity)
 - c. The language of the U.S. Constitution “...to form a more perfect **union**, ... provide for the **common defense, promote the general welfare, and secure the blessings of liberty to ... our posterity...”**
 5. **The loss of balance and its consequences.**
 - a. When E PLURIBUS is exalted at the expense of UNUM (as is the case today) —
 1. Idealism tends to result. No compromises of rights are allowed, out of respect for unity.
 2. Man concludes that he can exalt himself through political revolution, educational socialization, and psychotherapy - without the unifying influence of transcendent authority.
 3. MAN/god — God is optional or a chaplain to humanity.
 4. Man both ignores the threat of, and encourages the expression of his dark side — his “selfishness.”
 5. The disorder and crisis that results forces the pendulum to swing in the opposite direction toward tyranny or the loss of E PLURIBUS all together.
 6. The civilized values he retains are borrowed capital from the past. They have no logical root in the prevailing philosophy.
 - b. When UNUM is exalted at the expense of E PLURIBUS —
 1. Cynicism tends to result — people feel insignificant and in bondage.
 2. Man loses sight of his exalted dignity.
 3. An elite group of managers wind up dictating society.
- C. **Understand the first amendment controversy before you choose sides over it.**
1. Religious (transcendent) authority not only should, but must, be recognized and respected in the public square of 20th century American life because:
 - a. **It was the assumed world and life view of the framers of the American Republic.**
 1. The physical testimony:
 - a. Written testimony of the founding fathers
 - James Madison, the fourth president, known as “The Father of Our Constitution” made the following statement: “We have staked the whole of all our political institutions upon the capacity of mankind for self-government, upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God.”
 - Patrick Henry, that patriot and Founding Father of our country said: “It cannot be emphasized too strongly or too often that this great

nation was founded not by religionists but by Christians, not on religions but on the Gospel of Jesus Christ.”

- b. Official documents of the republic (Bill of Rights)
 - c. Biblical inscriptions on public buildings and monuments
 - As you walk up the steps to the building which houses the U.S. Supreme Court you can see near the top of the building a row of the world’s law givers and each one is facing one in the middle who is facing forward with a full frontal view ... it is Moses and he is holding the Ten Commandments!
 - As you enter the Supreme Court courtroom, the two huge oak doors have the Ten Commandments engraved on each lower portion of each door.
 - As you sit inside the courtroom, you can see the wall, right above the chairs of the Supreme Court judges, a display of the Ten Commandments!
 - There are Bible verses etched in stone on numerous Federal Buildings and Monuments in Washington, D.C.
 - d. Public policy
 - Blue laws
 - Every session of Congress begins with a prayer by a paid preacher, whose salary has been paid by the taxpayer since 1777.
 - e. **NOTE: N.C Constitution 1836** *“No person who shall deny the being of God, or the truth of the Christian religion shall be capable of holding any office or place of trust or pulpit.”*
 - f. Supreme Court briefs (Douglas, 1952 *“our institution presupposes a Supreme Being”*)
 - g. Presidential addresses that always make references to God.
 - h. Other data:
 - Fifty-two of the 55 founders of the Constitution were members of the established orthodox churches in the colonies.
 - Thomas Jefferson worried that the Courts would overstep their authority and instead of interpreting the law would begin making law an oligarchy - the rule of few over many.
 - The very first Supreme Court Justice, John Jay, said: “Americans should select and prefer Christians as their rulers.”
2. American legal philosophy is based on a respect for NATURAL LAW.
 3. American CIVIL RELIGION with its recognition of the structure of ultimate reality, was, up until the 20th century, described as **“Progressive Patriotic Protestantism.”**
 - a. Accountability to a transcendent authority (a generic God) is a part of the public’s expectation.
 - b. A universal moral order exists for the public sphere that is derived from reason, nature, and the Bible.
 - c. History has meaning and is directed by God.

- d. An eternal perspective (hope) warrants temporal sacrifices.
 - e. A sacred umbrella that is benevolently neutral toward Protestantism's sects, Catholicism, other theistic religions, and some forms of natural religion.
 - f. A glue which mediates the tension between E PLURIBUS and UNUM.
- b. **It still is the conviction of the vast majority of American citizens.**
- 1. The elite in our culture are in general agreement that the more modern a society becomes, the more secular it will be. This notion seems to have everything going for it but the **empirical evidence**.
 - a. 95% believe in God or a Universal Spirit
 - b. 87% pray to God
 - c. 71% believe in life after death
 - d. 70% believe Jesus is God
 - e. 68% have church membership
 - f. 48% have encouraged someone to accept Christ
 - g. 40% attend church or synagogue at least once per week
 - h. 40% claim to be born-again Christians
 - i. 38% believe the Bible is the literal Word of God
 - 2. The **media's image** of a secular (religion less) America is largely a wishful myth.
 - a. Traditional religious institutions and values in media are absent, put in the context of the 18th century, or ridiculed as manipulative, hypocritical, and/or obstructive to basic freedoms and rights.
 - b. Tolerance is counted as the ultimate virtue and the intolerance of absolutes as the only absolute.
- c. **It is a practical necessity for a public social ethic in a free society.**
- 1. The social ethical agenda in our public life grows out of our real or sentimental attachment to Judeo-Christian values. Once we abandon the idea that there is a shared understanding of "the good" or even of how the world is constructed, there is little left but the arbitrary sentiment of the most powerful in society.
 - 2. *"We have no government armed with power capable of contending with human passions unbridled by morality and religion. Our constitution was made only for a moral and a religious people. It is wholly inadequate for the government of any other."* John Adams
 - a. Our institutions presuppose the existence of a transcendent authority, a supreme being, a God, and are wholly incapable of properly functioning without His influence in our private lives and public expectations.
 - b. Without this spirit:
 - a) **Capitalism** becomes the exploitation of the economically weak by the economically powerful.
 - b) **Democracy** becomes an endless litigation of rights and the manipulation of the naive by the clever.
 - c) **Pluralism** dignifies every kind of divergence as a form of creativity.
 - 3. *"Can the liberties of a nation be sure when we remove their only firm basis, a conviction in the minds of the people, that these liberties are the gift of God?"* Thomas Jefferson

2. The First Amendment makes a distinction between:
 - a. Separation of any one religious sect and the state (a separation which I support), and
 - b. Separation of a transcendent authority in terms of “generic religion” and the state (a separation that I resist).

NOTE: “The First Amendment was prompted because the *“people feared one sect might obtain a preeminence, or two combine together, and establish a religion to which they would compel others to conform.”* James Madison

 - c. The same Congress that adopted the First Amendment also adopted the Northwest Ordinance, which reads: *“Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and means of learning shall forever be encouraged.”*
3. It is a fantasy to assume that secularism represents some form of neutral high ground with respect to religious faith.
 - a. The presuppositions underlying secular materialism are faith assumptions every bit as much as those of classic religions.
 - b. We do not have the option of being free from religion. The question is rather, which religious faith assumptions will we embrace in the public square?
4. I make a clear distinction between historic orthodox Christianity and American civil religion. American civil religion can accommodate orthodox Christianity, but in the final analysis, it is an idolatrous substitute for it. To exclude it, however, from the public square and to suggest that the social order needs no moral basis is idiocy.

D. Understand how modern thought has shifted the discussion of the first amendment.

1. In the years between 1875 and 1925 a **great shift** took place in American culture.
 - a. It moved from being a secular state with a recognized religious canopy to a secular state that questioned and abandoned all notions of transcendent authority.
 - b. This shift swept first through the universities and then to the other institutions of culture.
2. **Public education’s** emphasis upon:
 - a. Absolute autonomy of the individual
 - b. Radical relativity of values
 - c. Comprehensive contingency of all phenomena
 - d. Total temporality of all reality
3. **The media’s** distorted image of American life
 - a. Traditional values and ideals are portrayed as outdated and out of place in public life.
 - b. The only public virtue is “tolerance” of everything but “political incorrectness.”
4. **The court’s** biased interpretation of the first amendment
 - a. Separation of Church and State has come to imply separation of traditional classical religious views from the public square while at the same time supporting secular materialistic worldviews in public life.
 1. **“Free exercise”** is granted only to secular materialistic views in public.
 2. **“Disestablishment”** is applied to traditional classical worldviews only.

- b. The First Amendment is seen as protecting the State from religion as opposed to protecting religion from the State.
 - 1. When the Church becomes involved in the public square the cry has been “this is a violation of Church and State.”
 - 2. When the State is attempting to interfere with and regulate the Church, the State argues there is no absolute separation of Church and State.
5. **Strategy for culture war**
- a. Pluralism is often a code word for “ideologically correct” or “politically correct.”
 - b. Reasons why the war rhetoric (friend or foe, either-or) may not be wise.
 - 1. It can be self-fulfilling, exacerbating the very conflicts it seeks merely to describe.
 - 2. It leads us to distort others’ positions, to see enmity in place of mere disagreement.
 - 3. It distorts our own position - making our message seem mainly to be angry criticism rather than hope in Christ.
 - 4. It plays into the hands of extremists on the Left who would like to convince Americans that the “Religious Right” seeks to impose a theocratic state on them or the Right who would like to paint all those who disagree with them as Marxist, God haters.
 - 5. It tends to create division among Christians where there is no room for gray or questions. Everything is black and white. If you are slow to march in lockstep with us, you may be labeled a coward or a traitor.
 - c. Basic principles that should guide us.
 - 1. We serve a God who loves sinners. It is hard to argue with a lover. When we show disrespect for those with whom we disagree we give them an easy excuse to not listen to us. We can love and respect people’s passion for righteousness and justice even if we have very different understandings of how to achieve peace. It has been said that we all want the kingdom (love, joy, peace, prosperity, justice, etc.) but we do not all want the King.
 - 2. We are not to “bear false witness.” We must take the time and care to discern the whole truth about our opponents. We are to bless those who curse us - Matt.5:44 I Pet.3:9.
 - 3. We must be true to the teaching of Christ even when it is not politically correct. It may not only cost us to follow Christ but denying Him may also be costly.
 - 4. We must be willing to speak in “known tongues.” There is no love or virtue in language that is disrespectful or unintelligible to those who need to hear us.
 - 5. The Christian community often contains both **activists** (those who are most sensitive to getting things done) and **analysts** (those who are concerned about doing the right thing in the right way). These two groups are naturally suspicious of each other but need to respect each other. The activist needs to listen to the analyst and the analyst needs to support the activist. It is unfortunate that in fighting culture wars the church often gets caught up in a civil war.

The Point

Appeals in the public arena should be sensitive to the fact that the America republic while traditionally was not overtly Christian it was respectful of a sacred theological canopy.

Response

Head

I am to understand that:

America is built upon a democratic government, a capitalistic economy, and the soul of a church.

Heart

I am to believe that:

There is a tenured place for the truths of general revelation of God and his creation in the public square of America.

Hands

I am to behave by:

Expecting and working so as to secure continued respect for general sacred values.