

CHOOSE LIFE: IT'S THE AGAPE WAY

Dt 30:15-20; Ex 22:2; Jn 15:13; Ro 13:1-7; Lv 19:15; Lk 3:14

I. SELF-DEFENSE IS DEFENSIBLE—Ex 22:2

- A. Preserving one's own life a primal good—self-love, preserving God-given being, by stopping, disarming, killing aggressor righteous if intent to repel
 - 1. “Two effects” explanation in Aquinas—harming other incidental/accidental to deterring evil acts
 - 2. Proportionality (reasonably strong response to aggression) important key
- B. Preserving one's property a righteous act inasmuch as property needed to sustain life
- C. Life preserving/enhancing strategies essential: educated re self-defense, healthy diet, prudential behavior, truthful self-appraisal (i.e. humility)
- D. Social structures designed to sustain human flourishing (e.g. 2d Amendment; “castle” doctrine)

II. NEIGHBOR-AID, OTHERS-PROTECTING—Jn 15:13

- A. Risking/giving one's own life ultimate—“Greater love hath no man than this, that a man lay down his life for his friends” (Jn 15:13).
 - 1. Heroic stories—priest at Auschwitz; soldiers in combat
 - 2. Occasional opportunities for some of us
- B. Joining others to provide life-sustaining, life-enhancing
 - 1. Personal opportunities—“gleaning” genius; chance encounters; charitable endeavors—e.g. Compassion, Blood Bank, Heart-to-Heart, food pantries,
 - 2. “Safety net” public assistance—legislative enactments rightly responding to needs; honest & efficient administrative work

III. POLICE—Ro 13:1-7

- A. Given original sin, restraint needed in any society—
 - 1. In pre-modern societies, role often filled by soldiers, informal, ad hoc groups or individuals, e.g. frontier vigilantes, today's neighborhood watch groups
 - 2. Modern societies, during past 500 years, have devised various paid “police” forces—“police” derived from “polity”—thus “peace officers” & “peacemakers” (blessed be they!)
- C. Heather Mac Donald's *War On Cops* & current cultural crisis

IV. LEGAL/ADMINISTRATIVE/JUDICIAL SYSTEM—Ex 18:13-26; Lv 19:15; Prov 17:15

- A. Lawgivers (e.g. Moses & Jesus) reveal Divine LAWGIVER, GOD—thus law's source (*Lex Rex*—“Law King”) authoritative inasmuch as God gives Law (e.g. 10 Commandments etc.)
- B. Administrators—Kings, Presidents, all under King of Kings and LORD of Lords
- C. Judges & Courts (OT evidence extensive—N.B. Jethro & Moses)
 - 1. Rightly selected: by whom? what selection-criteria?
 - 2. Rightly operating: favor neither rich nor poor; enforce justice, punish wicked
- D. NT support for secular law and order, subordinate to Divine Law (i.e. Ro 13) as well as “New Commandments” given by Jesus (i.e. Sermon on Mount)

V. MILITARY—Lk 3:14

- A. OT & NT alike admire righteous soldiers—Joshua; David; Centurion at Cross; Cornelius
- B. Just War Criteria (set forth by Augustine, Aquinas, Luther, Darrell Cole)
 - 1. Last Resort—other means to settle dispute exhausted
 - 2. Proper Authority (i.e. U.S. Congress according to Constitution)
 - 3. Just Cause—stopping aggression, defending innocents, righting wrongs
 - 4. Right Intention—arresting evil, not asserting power; establishing peace
 - 5. Proportionality—excessive force avoided
 - 6. Civilian Casualties minimized (ever aware some (collateral) unavoidable)
 - 7. Reasonable Hope for Success—prudential assessment
- C. Peacemaking preeminent task/goal—thus cautionary stance re wars (realizing many are aggressive, motivated by desire for land or spoils), unjust, failing to attain proper goal, etc.

Whether it is lawful to kill a man in self-defense?

Thomas Aquinas, *ST*, II-II, Q. 64, A. 7

“It is written (Ex. 22:2): ‘If a thief be found breaking into a house or undermining it, and be wounded so as to die; he that slew him shall not be guilty of blood.’ Now it is much more lawful to defend one’s life than one’s house. Therefore neither is a man guilty of murder if he kill another in defense of his own life.

“ I answer that, Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention. Now moral acts take their species according to what is intended, and not according to what is beside the intention, since this is accidental as explained above (Question [43], Article [3]; FS, Question [12], Article [1]). Accordingly the act of self-defense may have two effects, one is the saving of one's life, the other is the slaying of the aggressor. Therefore this act, since one's intention is to save one’s own life, is not unlawful, seeing that it is natural to everything to keep itself in “being,” as far as possible. And yet, though proceeding from a good intention, an act may be rendered unlawful, if it be out of proportion to the end. Wherefore if a man, in self-defense, uses more than necessary violence, it will be unlawful: whereas if he repel force with moderation his defense will be lawful, because according to the jurists “it is lawful to repel force by force, provided one does not exceed the limits of a blameless defense.” Nor is it necessary for salvation that a man omit the act of moderate self-defense in order to avoid killing the other man, since one is bound to take more care of one’s own life than of another’s. But as it is unlawful to take a man’s life, except for the public authority acting for the common good, as stated above (Article [3]), it is not lawful for a man to intend killing a man in self-defense, except for such as have public authority, who while intending to kill a man in self-defense, refer this to the public good, as in the case of a soldier fighting against the foe, and in the minister of the judge struggling with robbers, although even these sin if they be moved by private animosity.

THE CHRISTIAN AND AMERICAN LAW

Most of us realize the importance of laws, but few of us think deeply about the importance of living in a nation committed the “rule of law” rather than suffering from the arbitrary whims of rulers, legislators, or judges. Some fine essays exploring this fundamental issue appeared in a volume edited by H. Wayne House—*The Christian and American Law: Christianity's Impact on America's Founding Documents and Future Direction*. The book’s burden was clearly anticipated by Harold J. Berman, Professor Emeritus of Harvard, who warned: “the Western legal tradition, like Western civilization as a whole, is undergoing in the twentieth century a crisis greater than it has ever known before . . . [for] we are in the midst of an unprecedented crisis of legal values and of legal thought, in which our entire legal tradition is being challenged—not only the so-called liberal conceptions of the past few hundred years, but the very structure of Western legality, which dates from the eleventh and twelfth centuries” (pp. 177-178).

Thus the book’s first section offers essays addressing “how Christianity has influenced American law. “America has a rich tradition of commitment to the rule of law,” House states. “This respect was fostered in the early days of the Republic by a common belief in absolute values, which were considered part and parcel of God’s divine order of the universe. He was the great lawgiver, and men were to emulate His laws in their midst so as to have an orderly society” (p. 9). Despite such beginnings, however, our century has seen a repudiation of that common belief, for any acknowledgement of God as the Source of law has disappeared and the “law has become little more than the subjective dictates of legislators and judges captured by the philosophy of relativism” (p. 9).

To validate House’s first contention—the United States’ legal system took root in a Christian worldview—Herbert Titus considers “God’s Revelation: Foundation for the Common Law.” England’s common law—early evident in its “first systematic treatment,” *De Legibus et Consuetudinibus Angliae*—declared: “The king himself . . . ought not to be under man but under God, and under the law, because the law makes the king” (p. 13). Coke and Blackstone, England’s greatest jurists, affirmed this, and Joseph Story, one of America’s greatest Supreme Court justices, took it for granted that “there never has been a period, in which the Common Law did not recognize Christianity as lying at its foundations” (p. 15).

What was cemented during a millennium has been dissolving during the past century. Jurists such as Oliver Wendell Holmes Jr. turned away from the Common Law, implementing a new approach to legal study, the “case method,” which embraced an evolutionary explanation for legal developments and eliminated God as the author of the natural law. A Darwinian paradigm quickly replaced the Biblical perspective. In one generation, wrote philosopher James Hayden Tufts, the “systems of thought which reigned since Augustus ‘passed away as ‘the conception of a world ruled by God and subject to his laws . . . dissolved’” (p. 26). This shift quickly and radically impacted such things as private property rights, family authority, and religious freedom, granting the state heretofore unknown powers.

In “the Philosophical and Biblical Perspectives that Shaped the Declaration of Independence,” Gary Amos argues, with persuasive documentary evidence, that the 1776 appeal to “rights” was clearly rooted in the Christian Middle Ages. John Eidsmoe adds his historical views in “Operation Josiah: Rediscovering the Biblical Roots of the American Constitutional Republic.” Sadly enough, says Eidsmoe, today’s historians generally distort the truth, routinely claiming “that the United States Constitution is purely a secular document and those who drafted it were Deists and skeptics” (p. 83). Such claims can easily be refuted by carefully counting the references in the framers’ writings, which cited biblical references far more frequently (34% of the time) than any other source. In-depth studies of the 55 signers of the Constitution of the United States reveal that a solid majority were professing, active Christians. At most three were Deists. Rather typical is the statement of John Adams, who wrote: “As much as I love, esteem and admire the Greeks, I believe the Hebrews have done more to enlighten and civilize the world. Moses did more than all of their legislators and philosophers” (p. 87).

Most importantly, this means restoring the Ten Commandments to their rightful place in American society! John Calvin and Thomas Aquinas both believed that the “moral law is summarized in the Ten Commandments and in the law of love, that the moral law is ‘that inward law . . . engraved on the hearts of all’ and that it affirms ‘the very same things that are to be learned from the two Tables’” (p. 213). In our day, J.I. Packer declares that the Ten Commandments “are in fact foundational to Christian morals [and] appeals to the ethic of Christ and the apostles that fail to find their roots in the Commandments (roots that are made very plain in the New Testament, be it said) slip and slide into all sorts of misconceptions. The unity of biblical ethics, starting with the Decalogue, needs rediscovery today” (p. 218).

WHEN GOD SAYS WAR IS RIGHT

Darrell Cole sets forth the “just war” position in *When God Says War Is Right: The Christian’s Perspective on When and How to Fight*. The book enjoyed Chuck Colson’s commendation: “For many years I have read about, thought about, written about, and spoken about just war. Nothing I’ve studied, however, has taught me as much as Darrell Cole’s book. Cole’s in-depth research and clear writing style yield what I believe will become a new classic work in the field. The fact that our nation is attempting to prosecute a just war on terrorism makes Cole’s book both timely and an indispensable resource for policymakers and the citizens who hold them accountable.” Cole’s goal is “to present the traditional Christian just war doctrine in a clear, accessible manner” (p. 2), accurately explaining the position finely honed by Thomas Aquinas and John Calvin in particular. That these two theologians—arguably the greatest Catholic and the greatest Protestant thinkers—agreed in teaching the responsibility for waging a “just war” lends credence to Cole’s view that war is rightly considered a “good” endeavor when carefully implemented. This is because Christian love, rooted in the very character of God, prompts one to use force when appropriate to protect innocent people and to establish the peace that is good for everyone.

To defend his position, he evaluates pacifism, showing where those who argue that the Early Church was pacifist are wrong. The best recent historical studies simply present a mixed picture. Before Constantine the few references available to us show that some Christians opposed and some supported taking up arms and serving the state as a soldier. Interestingly enough, they almost all admired soldierly virtues such as courage and employed military imagery in their descriptions of spiritual valor. With the triumph of Constantine, of course, Christians increasingly assumed various responsibilities for secular rule, and the greatest theologians of the 4th and 5th centuries—Basil of Caesarea, Ambrose, Augustine—worked out the “just war” criteria that would subsequently shape Christian thinking on the subject. “In Ambrose’s eyes, the Christian who stands idly by while his neighbor is attacked is no virtuous person, and perhaps not even a Christian” (p. 21).

Defining the just war, Cole says that five criteria have generally been invoked on behalf of *jus ad bellum* (just reasons for going to war). They are: “(1) proper authority, (2) just cause, (3) right intention, (4) war as the only way to right the wrong, and (5) reasonable hope of success” (p. 78). Added to that are the criteria for *jus in bello* (justly waging war), that prescribe “discrimination” (fighting without deliberately taking civilians’ lives) and “proportion” (appropriately limiting the means employed). Cole carefully explains that one can foresee bad things happening, when one pursues a certain course, without specifically intending for them to occur. So “collateral” casualties inevitably accompany armed conflict, but that does not negate the righteous intent with which one pursues his goal.

Having explained what constitutes a “just war,” Cole then evaluates WWII, the Vietnam and Gulf wars, the possibility of nuclear war, and the current conflict with Muslim terrorists. It’s clear that many wars—at points at least—fail to meet every point of the just war criteria. Indeed, most of us who defend “just wars” admit that in the heat of battle certain injustices occur. Even WWII, when one looks at things like saturation bombing of German cities, had its unjust aspects. But, Cole insists, wars will erupt, and Christians must assume responsibilities for their world, including an effort to wage truly just wars.

A handy compendium of documents, *War and Christian Ethics*, edited by Arthur F. Holmes, is still one of the best volumes available. After a helpful introduction, there are selections from Plato and Cicero, illustrating the “Pagan Conscience.” Then documents from the Early Church illustrate the “conflict of loyalties,” pitting the non-violent views of Athenagoras, Tertullian, Origen, and Lactantius against the just war positions of Ambrose and Augustine. The Medieval and Reformation eras reveal a virtual consensus in support of just wars, notably evident in Luther and Calvin.

Martin Luther’s statement is both strong and typical: “For example, a good doctor sometimes finds so serious and terrible a sickness that he must amputate or destroy a hand, foot, ear, eye, to save the body. Looking at it from the point of view of the organ he amputates, he appears to be a cruel and merciless man; but looking at it from the point of view of the body, which the doctor wants to save, he is a fine and true man and does a good and Christian work, as far as the work itself is concerned. In the same way, when I think of a soldier fulfilling his office by punishing the wicked, killing the wicked, and creating so much misery, it seems an un-Christian work completely contrary to Christian love. But when I think of how it protects the good and keeps and preserves wife and child, house and farm, property, and honor and peace, then I see how precious and godly this work is; and I observe that it amputates a leg or a hand, so that the whole body may not perish” (p. 143).