

Morality and Violence

A Theology of Law

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Theology and Society

- One function of religion is to orient people by cultivating in them certain practices and beliefs which are taken to support pursuit of the good life.
- Religion is *aspirational* — it sets forward an ideal that, while perhaps never fully achieved, nonetheless provides a goal at which to aim.
- Moral teaching has historically formed a major part of theology as a way of imagining and providing direction for the ambitions of human life and culture.
- For the same reason, law and theology have always dialogued with one another, because the laws of a country reflect its beliefs about the world and its vision of the good life.



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Theology and Society

- This is why political symbols of any society are often drawn from prevailing religious traditions, e.g., the King's two bodies.
- Religion articulates a shared vision of God and the good life/society. Law and politics are a means of pursuing that vision.
- The nature of that politic and its laws will depend a great deal on the beliefs of that society.
- For much of the West, that belief-tradition has been Christianity. And as a result, our political and legal traditions have a distinctly Christian form.



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Justice in the Christian Tradition

- Early Christians borrowed from classical philosophers, but placed them in a very different framework.
- Justice: “the act of “rendering to everyone their due” (*ius suum*; *De Officiis*, I.v.15).
- In supplying what is “due”, justice aims at achieving a kind of “balance” or “equality” between two people in some matter (Aristotle, *Nic. Ethics*, V.x).
- A just act is one that fulfils a *debitum* in a manner that is “fitting” or “proportionate” with what is “due”.
- What is “due” is determined contextually.



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Justice in the Christian Tradition

- Christians understood human history as tragic. For as a result of the entrance of sin, human nature has become vicious so that injustice becomes the norm in human society.
- God alone is perfect and just — he gives everyone their due. And “he will judge the world in justice” at the end of days (Acts 17:31).
- This relativises all human justice — a truly critical innovation in a society where Caesar is a god, and Gods are sometimes the chief perpetrators of injustice.
- For Christian theologians, justice is transcendent: it belongs perfectly only to God. For that reason, all human justice is accountable to him.



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Divine Government and Law

- As God is our *Creator*, the one who gave us life and existence, it is *just* and *right* that we give him all our life and service.
- Along w/ other religions, Christianity and Judaism understood God's relation to the world to be similar to that of a sovereign to a community.
 - Like a ruler, God exercises his power in the oversight of creation.
 - The end of God's rule is the common good of the universe, the "community" which God oversees.
- Since God exercises sovereignty over all, it belongs to him to specify the *nature* of the creature's service to him. This is an unavoidable consequence of the fact that God is the creature's *Creator*.



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Divine Government and Law

- God does this by the institution of *laws*.
 - Law is an instrument of government intended for the good of a society. It does this by providing instruction in pursuit of the good as well as deterrence & punishment of evil.
 - There is no other means other than law whereby God could govern rational creatures having the moral power of *choice*.
- God is obligated to no law outside himself. For as he is perfect, his own nature is the ultimate *rule* of all justice.
- God cannot institute any law which is contrary to his perfections. And any law that is in fact commanded by God is by definition both good and right.



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Types of Law:

Natural Law

- Instituted by God in and with the gift of the creature's own *nature*.
- The character of the creature — what accords with and complements its nature — is a “law” to it. For this reason, it is more or less unchanging.
- This was a *moral* before a *scientific* concept — not primarily quantify the predictable behaviours of some creature, but to name the conditions of its flourishing.
- What is “right” for the creature is determined, at least in part, by the benefit some act deliver's to the creature within a hierarchy of goods.
- “Reason commands in the name of God” .
.. or does it?



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Types of Law:

Positive Law

- Unlike Natural Law which is written into the very character of the creature itself, Positive Law is a divine command that is “added” to natural law.
- Positive law is changeable, and often does change, e.g., Sabbath laws. It is therefore a highly contextualised & made for a particular time and place: Augustine compared it to a piece of armour — it’s made to ‘fit’.
- It may be instituted:
 - Directly by God, e.g. the 10 commandments.
 - By someone authorised to speak in God’s name, e.g., the Apostle Paul’s command to the Galatians not to observe the OT purity laws (Gal. 3-4).



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Types of Law:

Human Law

- All human law is principled in the institutions of God himself. Parents and governments have the right to command obedience only because God has given them that right.
- Unlike Islam, Christianity is not an imperial religion, and is adaptable to various forms of political life.
- Because God *has* established these institutions, we really do owe them our obedience for God's sake.
- However, God's law/justice supersedes human law, so human authorities have the power to command *only to the extent that it is consistent with divine justice*.
- How do we know if some law or command is consistent with justice? We reason — by the study of the context, the world, and the teachings of Scripture.

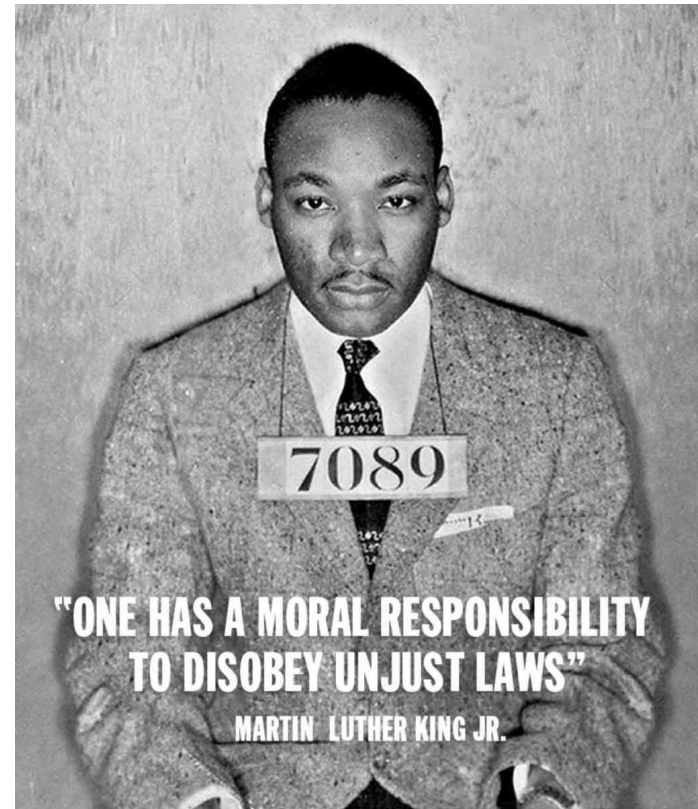


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Justice, Law, and Resistance

- The acknowledgement of government as a minister of God could & did license moral evils, e.g., Holocaust, Jim Crow South.
- But crucially, where the laws and policies of governments license evil, Christians have always acknowledged that this is not an *enactment* of their God-given authority, but a *defection* from it.
- “An unjust law is not a law.” — Augustine
- This forms the basis for a really rich political “resistance” theory in the Christian tradition, e.g. English Civil War, Civil Rights movement.
- It also moderates political ambitions. Utopia is an impossible political ambition. We can only seek for increasingly just common life, not a perfect one.



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