July 2020

Biblical Principles of Government and Criminal Justice

Kahlib J. Fischer

Liberty University

Follow this and additional works at: https://digitalcommons.liberty.edu/jspp

Part of the Ethics and Political Philosophy Commons, Political Theory Commons, and the Public Policy Commons

Recommended Citation
Available at: https://digitalcommons.liberty.edu/jspp/vol1/iss1/3

This Research Article is brought to you for free and open access by Scholars Crossing. It has been accepted for inclusion in Liberty University Journal of Statesmanship & Public Policy by an authorized editor of Scholars Crossing. For more information, please contact scholarlycommunications@liberty.edu.
Introduction

The following is an overview of Biblical precepts related to government and criminal justice. Before moving to specific points of application, it is necessary to establish a paradigm for what it means to have a Biblical worldview in general, and for what it means to know and understand the nature of truth. So this paper is as much about pedagogy and hermeneutics as it is about content. But more than that, this paper is about living out the Gospel in all areas of life, of which Church, State, Society, and Soul are all parts.

Worldview & Hermeneutics

Legal and Political Hermeneutics and Biblical Interpretation

The battle of ideas begins in part due to differing interpretations of what is right and true. We affirm that truth is not merely subjective or relative, that it is not merely beholden to context, personal and institutional experience, or subconscious assumptions, though all these influence one’s ability to understand the truth. As subjects—that is, as created beings—we can know objective truth. We deny the relative’s lie that, as subjects, we cannot be cognizant of objective reality. We are the subjects; God’s truth is objective (that is, it is unaffected by subjects). We believe according to the Bible that we can obtain objective knowledge even though we cannot obtain it exhaustively. We are engaging the actual world, although imperfectly, and are fulfilling that which God commanded from the very beginning which was to “be fruitful and multiply and fill the earth the earth and subdue it” (Genesis 1:28, ESV). And we can also communicate the truth to others, and discuss it logically. Of course, it is not enough to know true things. Humankind is invited to know the embodiment of truth, which is Jesus Christ (John 14:6; Col. 2:3).

Truth, by nature of being true, is both simple and complex, and words, meanings, and ideas often overlap with one another because ultimately they all point back to the source of truth, God himself. Thus, we reject narrow, reductionist perspectives on truth and meaning, which can be based upon a false assumption that we create truth rather than discover it, and its related false assumption that we compete for space with others to make our creation of truth known. Rather, the Biblical definition of truth requires that we collaborate with and encourage one another in the pursuit of truth, because that pursuit is a pursuit of God and an act of worship. Imagine then, that an academic institution would be a place of corporate worship as we study, teach, and challenge one another to know Christ more fully as Scripture urges us to do.

Certainly, we hold that the Bible is the starting point for what is true, and all that we believe about government and society must derive from Scripture. We acknowledge the importance of a solid hermeneutic for interpreting Scripture so that both the spirit and the letter of the law are understood. Thus, we ultimately acknowledge that apart from divine guidance, our own sinful and frail understanding of what is real and true will always lead us astray (Jeremiah 17:9). This is of course the very problem that Christ came to rectify through his saving work on the cross.
History of Worldviews

The Medieval period certainly favored Christian influence\(^1\). While the Italian Renaissance did advance some elements of humanism, Christianity remained the dominant worldview of Europe until the Enlightenment, which critiqued the Christian paradigm, setting the stage for increased secularism\(^2\). These early moderns rejected the supernatural, basing truth and meaning in reason. One of its more successful myths, the “Conflict Metaphor” states that historical Christianity is hostile to modern scientific reasoning. But this metaphor is over-stated and highly misleading, both historically and philosophically\(^3,4\). Rather than rejecting the value of logic and the scientific method, we argue that logic can only exist in a universe ordered by a sentient, intelligent Creator and the same is true for the scientific method.

Postmodernism arose as a rejection of both Modernism and Christianity. It rejected Modernism because of its reductionist treatment of the human soul, and because the combination of science and technology, rather than being the salvation of man, was actually a means of its destruction\(^5\). It rejected the high view of logic which Modernism espoused because logic was seen as a way for one culture to exploit other groups—women, minorities, and the weak—whether through the actions of one nation against others or one socio-cultural group against other groups\(^6\).

Postmodernism rejects Christianity for many of the same reasons. Christ’s claim to be the only way, truth and life (John 14:6) is seen as chauvinistic and arrogant, and the foundation for racism, exploitation of others\(^7\) and even the exploitation of the environment\(^8\). However, postmodernism also unravels because it also is a narrative that requires a logical explanation. It is one thing to decry a laundry list of isms like racism and chauvinism, but doing so requires a fixed understanding of what is right and wrong—something which Postmodernism largely rejects\(^9\).

A Definition of a Christian Worldview

We are left then with a Christian worldview as the foundation for what is true and good. A comprehensive worldview must explain what is true (epistemology), what is good (axiology) and who we are as humans (ontology and teleology). A Christian worldview accomplishes all of

\(^9\) Veith and Loasky, *Postmodern Times*, 49.
these things by providing an adequate foundation for truth, beauty, values, purpose, meaning, and human individuality and purpose.

According to Scripture, Jesus Christ is our starting point. As the divine Logos, the living Word of God, Jesus affirmed both truth (epistemology) and humanity when he took on flesh and dwelt among us (John 1:1-5) (ontology and teleology). He fulfilled our ultimate, eternal purpose by dying on the cross, rising from the dead, and freeing us from the punishment of sin. In doing so, he fulfilled both perfect love and perfect justice (axiology). As fully man, he received the full punishment man deserved; righteousness was not waived or compromised on the cross. As fully God, he was able to save man because he was the perfect sacrifice, so then God’s love was not compromised either. At the cross, “Steadfast love and faithfulness meet; righteousness and peace kiss each other.” (Psalm 85:10, ESV).

A Christian Worldview Pedagogy

As Christian educators, we face the challenge of teaching government and criminal justice from a Biblical perspective. To do so, we affirm both the inherent dignity of our students and the reality of absolute truth and goodness. As an act of love, we uphold our students to the high standards required by truth. We do so by way of engaging their ideas, challenging them to think more deeply about the topics being studied, and bringing the light of God’s Word to bear on the topic. So, on the one hand, we are in a position of authority, but that of servant leadership as described in Matthew 20:28 and elsewhere in Scripture. On the other hand, we are brothers and sisters in Christ, working with our students to discover deeper layers of God’s truth in all that we teach.

Absolute Truth & Inerrancy of Scripture

All of this assumes the inerrancy of God’s Word, first and foremost. The Bible is a collection of books written by various others, inspired by the same Holy Spirit. Taken together, these books tell us of a righteous, loving God, making man in his own image, and through Jesus Christ, freeing man from the sin he heaped upon himself in rebellion to God. The following then seeks to provide an overview of the key ideas and themes of Scripture which relate to government. The best way to find Biblical principles is to avoid using just one verse here and there, but instead to look for general principles which are evident throughout Scripture and to apply those principles accordingly. The discussion below illuminates major Biblical themes and then provides points of application. These general themes are:

- God is the source of all truth, power, and authority
- Man is sinful
- Jesus Christ is the only means of salvation
- Faith in Christ must be freely received as in a gift
- Loving accountability in Christ

From these general themes, the following Biblical principles of government and criminal justice can be extrapolated:

- Inalienable rights
- Limited government
Justice
Covenantal relationships
Institutional separation of Church and State
Sin-crime distinction
Free market Economics
Just War and the use of force

Key Doctrines

The following are key doctrines from Scripture which inform more specific applications to the area of government and public policy.

Sovereignty of God

God is the absolute source of truth, beauty and love, and in fact is love and truth. In his triune-essence, God is both individual and communal; so too we were meant to experience love and truth in personal ways through Christ, and in a community with others, also through Christ (Isiah 57:15, John 14:26, John 15:26, I Corinthians 8:6, and Colossians 2:9-10).

As it relates to an understanding of government, law, and criminal justice, we are reminded of the natural law tradition, in which lawmakers assumed an inherent sense of right and wrong from our Creator and as defined in Scripture, which in turn protects the right of the people.10

Sinfulness of Man

God made man in his image (Genesis 1:26-28), and gave him the freedom of choice. Rather than choosing to know God more deeply and more fully, Adam and Eve chose the false path of trying to be as God. In that choice they became slaves to sin, but the plan of salvation was introduced through the “second Adam,” Jesus Christ (Genesis 3:15).

Self-Government & Inalienable Rights

We are made in God’s image and thus we possess inalienable rights: those rights that cannot be taken away, nor can they be given away, specifically life, liberty, and property. These things are supported in Scripture by virtue of being made in God’s image and by various commandments from the Old Testament (Genesis 1:26, 9:6, the Ten Commandments) as well as the most basic commandment affirmed in both the Old and New Testaments to love God and love others (Matthew 22:37-40).

Adam was called to be fruitful, to multiply, and to take dominion. This implies the use of property and liberty. But it was to be done in obedience to God and out of worship, not for selfish ends. Self-defense then should occur only as a means of restraining evil, and there may be times when fighting and military advancement are necessary to stop evil. Therefore, if we are allowed to use self-defense to protect our lives and our freedoms, it can be argued then that government should also have that power, but that it should be limited primarily to the same

---

realm of authority that we have in defending ourselves or those in serious harm. And that is why protecting inalienable rights is so important—it defines the key things for which we might use self-defense—basic life, liberty, and property.

Government exists to protect our inalienable rights and ensure justice. Citizens should participate in the political process as a means of limiting tyranny. Because these rights cannot be taken away, government must be limited so it does not overstep its bounds and threaten personal rights. On the other hand, government must have sufficient power to protect these rights.

The Bible says that we are to love our neighbors as ourselves. We do not violate the inalienable rights of our neighbors because they are made in God’s image. But the converse is also true—we are not permitted to violate and purposefully destroy our inalienable rights, and government in turn is obligated to prevent such self-violations. This is different from serving as a martyr for God’s Word or dying on the battlefield. These types of actions are done in service to others and to God. On the contrary, abdicating to evil, whether through some destructive personal behavior such as drug addictions or by allowing tyranny to gain power in a free society could both be seen as violating one’s inalienable rights. We argue that the Bible as a whole supports a view of negative freedom with respect to government intervention—meaning that the State must protect those rights, rather than provide them. Intimations of positive liberty are present in the Old Testament prophets, but as a whole the emphasis on freedom as non-interference in Scripture is pronounced. Similarly, Richards has described the connection of Biblical principles to property rights, which are typically viewed as an important component of negative liberty.11

An off-shoot of these premises is that humans are called to self-government. We must live in the liberty that comes with obedience to God, lest we become slaves to sin (Romans 6:17-18). Slavery to sin has more than just personal impacts—it either leads us to control and exploit the rights of others or to allow ourselves to be controlled and exploited by tyrants or other oppressors (Mark 7:20-23).

Law and Jurisdictions

Government should be limited because God is the ultimate source of truth, power and authority. This acknowledgement of God’s sovereignty was seen historically in the tradition of natural law as articulated by jurist like Coke and Blackstone. Further, government should be limited because man is sinful; thus no one political party or leader should be unaccountable or have unlimited power.

A well-designed system of government will have built-in accountability measures that allow the people to intervene in a non-violent way should laws, rulers, or agencies become tyrannical. This speaks to the importance of checks-and-balances, rule by consent, use of a Constitution, etc., etc. If rulers do not submit to these, they must be removed from office. There may be times, however, when this is not possible because the system of government itself is so corrupt that no minor interventions will suffice. "Breaking of fellowship" in the political context may look like resistance, peaceful rebellion, martyrdom, or war.

Finally, all authority comes from God, as noted above in our discussion about natural law. Romans 13:1-4 lays out further guidelines for this. In short, government must always

operate under the authority given to it by God. Similarly, as noted above, all rights come from God and can neither be abdicated by individuals nor seized by the State.

Justice

Scripture affirms that just and fair dealings should be linked to every aspect of government—executive, legislative, and judicial, which includes prohibitions against perjury and slander. This view of justice involves protecting the weak from the rich and powerful, as the prophets warn of impending doom on those who use their wealth to gain political influence via corruption and graft (Isaiah 10:1-2). But the Biblical view of justice goes further than that, warning that while the rich certainly exploit the poor, that the real problem of evil is a personal, spiritual one.

This is in contrast to a view of justice that solely focuses on external factors and economic processes (such as Marxism) or injustice that is inherent to the structure of society itself (such as distributive justice). A Biblical view of covenant further requires law enforcement agencies and personnel to be accountable to the people and to be meaningfully engaged with them. Practices such as Community Based policing and restorative justice, therefore, have a Biblical foundation.

Covenant and Sphere Sovereignty

The Biblical idea of covenant, stipulates that power be shared via a freely formed covenantal agreement to protect the rights of all members, and affirms a view of limited government by way of federalism, such as how power is shared among the States and the federal government. In fact, the impact of covenantal/federal theology by way of the Protestant Reformation played a key role in influencing America’s system of government.

The covenantal nature of Scripture suggests that power should be shared among various “spheres” of authority throughout society: including: a) the individual, b) the family, c) the church, d) state and local communities, e) businesses, f) non-profits, and of course, g) the national government. The Dutch politician Abraham Kuyper articulated this idea of sphere sovereignty based upon the idea of covenant. All of these spheres are accountable to one another and must not transgress the other domains of authority. This is one reason that the institutions of Church and State must be separate, which will be discussed below. Further, these various spheres need one another. The State cannot remedy spiritual concerns, just as the Church, for instance, cannot deal with injustices related to the violation of inalienable rights.

---

Church-State

The institutions of Church and State are separate as a means of protecting freedom of conscience and liberty. Christ was not interested in using political or military power to enforce his kingdom. What results from the building of Christ's kingdom is not a military or political kingdom but the Church. Thus, we have the Doctrine of the Two Swords: the Church bears the sword of excommunication, which is the process of persuasion and church discipline for those who, claiming to be Christian, willingly disobey the Word of God\textsuperscript{17}. The State bears the sword of execution, which constitutes its authority to punish those who violate the inalienable rights of others, ultimately to the point of capital punishment for murder (Genesis 9:6).

Domestic policies dealing with issues like poverty are also problematic if and when they ignore the spiritual components of problems like poverty, such as emotional brokenness, poor stewardship, and the power and destruction of addictive behaviors. It is vital, therefore, that the Church have an active and engaged role in such issues. Where the Church abdicates, the State will overstep. Where the State oversteps, tyranny will increase.

Sin-Crime Distinction

The Sin/Crime distinction further helps us understand the different roles of Church and State:

\textit{All crimes are sins, but not all sins are crimes.}

The State prosecutes and tries to prevent crimes. Crimes are only those sins that comprise a violation of inalienable rights, whether a person’s own inalienable rights (suicide, addictive/destructive behaviors, etc.) or the inalienable rights of others.

If we understand that we as individuals may only use physical force to protect ourselves and others in extreme, life threatening circumstances, we understand that the same is true of the State as well—it can only use its God-given authority and force to prevent crimes which amount to violations of inalienable rights. Meanwhile, the Church, in participation with the power of God’s Word and Spirit, seeks to address other types of sin which do not equate to crime. Matters of conscience and personal obedience to the Lord, therefore, cannot be coerced with political or physical power.

Policy Applications

Abortion, Human Trafficking, and Inalienable Rights

We affirm that life begins at conception and that therefore, the State must protect the unborn unequivocally. We also affirm that human trafficking is likewise a clear violation of inalienable rights.

Hate Speech, Hate Crimes, and Liberty

A Postmodern, Critical Theory approach to political activity notes that often the words we use in public discourse can, in and of themselves, become a means of exploitation because they further the structural racism and injustice inherent in society. Thus, a Postmodern approach would favor hate crime legislation which would provide additional punishment for actions which appear to be motivated by hatred, bigotry, and racism, and would also prohibit any speech which falls in the same category.

A Scriptural approach is contrary to this for several reasons. First, speech, in and of itself, is not a violation of inalienable rights—only actions are. Meanwhile, banning free speech is a violation of inalienable rights because it restricts freedom of conscience, no matter how deplorable the language may be. Hate crime legislation distorts justice because it gives the State the apparent ability to discern the thoughts and intents of the heart—much to the delight of tyrants everywhere. Besides, hatred is always at the basis of any crime, whether it is fueled by racism or just blatant disregard of the victim’s rights.

Structural Racism and Inequality

The Bible never condones the slavery perpetuated in the South. Rather, it speaks of temporary “indentured servants” who had rights. The Bible supports limited government that allows people to work hard and succeed. While we favor States Rights because it limits government, we should be quick to denounce how it has been used to further racism. Some have argued that racism was a spiritual problem, and thus had to be solved by the Church. Though true, racism certainly has political manifestations, and government should therefore intervene particularly when voting rights and other freedoms have been hindered based on race.

The problem of racism has been further exacerbated in local communities, where shootings of African Americans by police officers have come under significant scrutiny, and rightly so. On the more immediate, local level, what does the Bible have to say about how police officers should conduct themselves? According to Biblical and covenantal principles, our attitude should reflect how we as citizens “are all in this together.” We should be accountable to one another and care for one another.

Community policing is an approach where police officers are properly trained to go into the communities they are serving and develop relationships with the citizens who live there. That creates a context of relationship and can help improve police accountability and trust to the community. Active dialogue and mutual accountability and care are vital for a healthy relationship between the police force and the community it is serving. Related is the idea of restorative justice, where victims of crimes work with a mediator and the perpetrator to gain some measure of reconciliation and remediation rather than merely having the accused serve jail

---


time.\(^{21}\) In some instances, this can be far more redeeming not only for the victim, but also for the offender.\(^{22}\)

### Social Welfare Policy

The Bible is clear that we are to care for the poor, and there appears to be a dual emphasis on both the Church and State being involved, but in different ways. The State is mainly involved to prevent corruption and exploitation of the poor, which is common in political systems (see again Isaiah 10:1-2) as well as by ensuring that the free market is just and fair. This would include a prohibition of rentier capitalism\(^{23}\) \(^{24}\) and crony capitalism.\(^{25}\) Meanwhile, if government is only involved in matters that pertain to inalienable rights, then it would be argued that social welfare and caring for the poor belongs largely to the Church and the community at large.

### Sexual Identity, Marriage and the Family

The Bible is clear that homosexuality is a sin (Romans 1:26-27; I Corinthians 6:9-10, I Timothy 1:910). Therefore, we cannot support the State in its efforts to, in essence, “sanctify” same-sex marriage. The Church, meanwhile, is slowly reacting to the reality that the homosexual issue in particular is going to lead to some very interesting criticisms. Our hope is not “Americana” or the “good ole’ days” (especially when those days included things like segregation and institutional racism)—our hope is Christ and Christ alone.

To the postmodern, the Church’s efforts to defend the sanctity of marriage and gender distinctions as a picture of God’s glory and his intended intimacy for us is seen as nothing more than a last ditch power grab by those who used to be in control. And it does not help that in times past, the Church has in fact been hateful and dismissive of those who genuinely wrestle with their sexual identity and what that means. Rather than inviting vulnerability and healing, the Church (and society as a whole) has encouraged scorn, shame, and hatefulness. This is what happens when society embraces “moralism” rather than Christ, and in its efforts to criticize this self-righteousness, Postmodernism has of course also ended up rejecting the gospel.

### Economics

We affirm a Biblical, covenantal view of free trade and capitalism, where people can freely engage in economic activity, in accordance with their God-given gifts and talents, with limited government intervention. So long as people are operating with justice and integrity, and so long as they are in good faith bringing value to their customers and customers want to

---


continue to purchase their goods or services, they should be permitted to do so. However, a Biblical view of covenant requires that we reject materialism and greed and remember to care for the poor and to protect the environment while doing business. This is in keeping with Genesis 1:28.

**Just War and the Use of Force**

Because man is fallen and, thus, there will be no perfect governments until Christ returns, war is an inevitable reality in this world (Matthew 24:6). Whether it is a terrorist threat thousands of miles away or an evil dictator who is killing civilians within his country or a violent militia kidnapping and enlisting child soldiers, we are regularly confronted with whether our country should act with military force. In his famous work, *City of God* (426 A.D.), the theologian Augustine detailed the most significant and profound statement of a Biblical view of war. As Augustine writes, all good men would wish to wage no wars at all. However, a just war is justified “only by the injustice of an aggressor”²⁶ Because God has commissioned governing authorities to primarily protect the citizens under their care, it is a God-given mandate for civil authorities to fight against unjust aggressors. Therefore, as a general rule, defensive wars are imperative and offensive wars are prohibited.

**Conclusion**

Jesus said, “Enter by the narrow gate. For the gate is wide and the way is easy that leads to destruction, and those who enter by it are many. For the gate is narrow and the way is hard that leads to life, and those who find it are few” (Matthew 7:14-15, ESV). Obedience to Christ is fraught with peril because we are always called to walk the fine line between extreme positions and over-reactions. On the one hand, there is legalism and self-righteousness, in which outward conformity to religion masks nefarious motives like racism and chauvinism. On the other hand is licentiousness, which in the name of valuing freedom and acceptance for everyone, often involves a devaluing of the marriage covenant, of human life itself in the form of legalized abortion, and the abandonment of sexual and gender norms meant to point to God’s glory and the beauty of marital intimacy and love. Further, this extreme is so focused on personal freedoms that freedom of speech is ironically devalued lest someone offend someone else by speaking the truth and challenging others.

We therefore come to the end by embracing the beginning, the beginning of this paper, and above all, the beginning of it all—the Alpha and Omega, Jesus Christ, the living Word of God, the ultimate source of Goodness and Truth (Revelation 1:8). We cannot teach or live well apart from knowing Him and His Word through the power of the Holy Spirit. Even so come, Lord Jesus!

Bibliography


