

October 2022

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Recommended Citation

Chrisman, Rodney D. (2022) "Racial Reconciliation: A Biblical Framework," *Liberty University Law Review*. Vol. 17: Iss. 3, Article 5.

Available at: https://digitalcommons.liberty.edu/lu_law_review/vol17/iss3/5

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RODNEY D. CHRISMAN

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American society is greatly polarized and divided on many issues, including issues relative to racial reconciliation. Attempts at progress in this area are impeded by the United States's historical backdrop of slavery, the state-sponsored oppression of Jim Crow laws, and personal racism, among other complications. Even the American church tolerated and justified these racial divides. Modern discussions are plagued by the widespread misuse of important terms as well as disagreements on what racial reconciliation looks like and how to achieve it. Starting from the belief that God has spoken authoritatively on all issues, this article attempts to provide a biblical framework for addressing issues of racial reconciliation from a Christian perspective. This begins with a biblical model of racial reconciliation, a biblical definition for racism, and the ideological foundation that only the Christian worldview provides. The rest of the framework discusses relevant principles of biblical justice that should govern issues of law and policy, including some discussion of the proper jurisdiction of the church and civil government. Accordingly, only through the Gospel of the Lord Jesus Christ is there hope for true racial reconciliation.

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ARTICLE

RACIAL RECONCILIATION: A BIBLICAL FRAMEWORK

Rodney D. Chrisman[†]

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American society is greatly polarized and divided on many issues, including issues relative to racial reconciliation. Attempts at progress in this area are impeded by the United States's historical backdrop of slavery, the state-sponsored oppression of Jim Crow laws, and personal racism, among other complications. Even the American church tolerated and justified these racial divides. Modern discussions are plagued by the widespread misuse of important terms as well as disagreements on what racial reconciliation looks like and how to achieve it. Starting from the belief that God has spoken authoritatively on all issues, this article attempts to provide a biblical framework for addressing issues of racial reconciliation from a Christian perspective. This begins with a biblical model of racial reconciliation, a biblical definition for racism, and the ideological foundation that only the Christian worldview provides. The rest of the framework discusses relevant principles of biblical justice that should govern issues of law and policy, including some discussion of the proper jurisdiction of the church and civil government. Accordingly, only through the Gospel of the Lord Jesus Christ is there hope for true racial reconciliation.

I. INTRODUCTION

This Article offers some thoughts on what racial reconciliation might look like in the twenty-first century in the United States of America. These

[†] Professor of Law, Liberty University School of Law. B.B.A. 1998, Eastern Kentucky University; J.D. 2001, University of Kentucky College of Law. The author would like to thank the editorial board of the *Liberty University Law Review* in general and M. Logan Blake, Rylee Seabolt, Dustin Corbett, and W. Kelvin Goodson in particular for their patience and invaluable editorial assistance. The author would also like to thank his parents, Larry and Joan Chrisman, without whose dedication and sacrifice, this Article, and the author's other achievements in life such as they are, would not be possible. Finally, the author would like to offer thanks and praise to "God, who through Christ reconciled us to himself and gave us the ministry of reconciliation." *2 Corinthians* 5:18 (English Standard).

thoughts necessarily flow from the fundamental presuppositions of the author and, therefore, derive from a Christian view of the world. Indeed, it is critical to a careful consideration of any issue to understand the basic worldview or set of presuppositions out of which the various sides are operating. Without this, people frequently talk past each other, and the dialogue, even if well-intentioned, is unfruitful. Given the importance of understanding the fundamental position from which an author is analyzing an issue, it might be surprising, as Dean Jeffrey Tuomala has observed, that “most writers do not even try to articulate the basic presuppositions from which they work.”¹ Still, stated or not, “[t]he fact of the matter is that everyone operates on the basis of certain presuppositions, whether they do so self-consciously and honestly or not.”²

Being no exception to this universal rule, the author’s fundamental presuppositions are honestly stated here at the beginning. This Article endeavors to provide a framework for the analysis of issues relative to racial reconciliation self-consciously from a Christian perspective beginning with the two fundamental presuppositions that the Creator God of the Bible exists and that He has spoken authoritatively to all issues,³ including issues of race and race relations. Consequently, this Article looks to the timeless principles found in God’s revelation of Himself to humankind in the law of nature and nature’s God, which involves looking first and foremost to God’s infallible revelation of Himself in the Bible.⁴

¹ Jeffrey C. Tuomala, *Christ’s Atonement as the Model for Civil Justice*, 38 AM. J. JURIS. 221, 255 (1993).

² *Id.* Modern scholars and thinkers tend to prefer to take the position that they are neutral, i.e., not operating from any set of presuppositions or operating from neutral presuppositions. However, such neutrality is a myth. *E.g.*, RODNEY D. CHRISMAN, *LAW & ECONOMICS: A CHRISTIAN PERSPECTIVE* 5–6 (2016). Consequently, scholars and thinkers pretending to practice neutrality are either doing so dishonestly, by willfully refusing to acknowledge their own presumptions, or inadvertently, by failing to self-consciously consider and analyze their own presuppositions.

³ *See, e.g.*, 1 FRANCIS A. SCHAEFFER, *He is There and He is Not Silent*, in *THE COMPLETE WORKS OF FRANCIS A. SCHAEFFER: A CHRISTIAN WORLDVIEW* 275, 277 (1982) (“*He is There and He is Not Silent*” deals with the philosophic necessity of God’s being there and not being silent . . .”).

⁴ Herbert W. Titus, *The Bible and American Law*, 2 LIBERTY U. L. REV. 305 (2008). Dean Titus asserts the importance of God’s law in general and the Bible in particular as a necessary standard that must be used to measure all human law. In relation to this, he notes that “Blackstone’s standard was twofold: the law of nature and the law of the Holy Scriptures

Returning then to the topic of this Article, the fact that American society is greatly polarized and divided today is universally recognized, and consequently, there is a great need for reconciliation in general and racial reconciliation in particular.⁵ Many pundits and commentators have suggested that American society is as divided as it has been at any time in history with the possible exception of the years leading up to the Civil War.⁶ Interestingly, race was an issue of paramount importance during those times as well. While the Civil War and Reconstruction eras brought an end to race-based chattel slavery in America, all of America's race-related woes were not resolved during that period. Progress has been made since then on many fronts, but racial reconciliation has not been achieved to be sure, and

[the law of nature's God], each of which contained God's revealed law, the latter being the most reliable." *Id.* at 306 n.9. For more examples of this approach, see Jeffrey C. Tuomala, *Marbury v. Madison and the Foundation of Law*, 4 LIBERTY U. L. REV. 297 (2010); Roger Bern, *A Biblical Model for Analysis of Issues of Law and Public Policy: With Illustrative Applications To Contracts, Antitrust, Remedies and Public Policy Issues*, 6 REGENT U. L. REV. 103 (1995); Rodney D. Chrisman, *Can a Merchant Please God?: The Church's Historic Teaching on the Goodness of Just Commercial Activity as a Foundational Principle of Commercial Law Jurisprudence*, 6 LIBERTY U. L. REV. 453 (2012).

⁵ See, e.g., Sarah Souli, *Does America Need a Truth and Reconciliation Commission?*, POLITICO (Aug. 16, 2020, 7:00 AM), <https://www.politico.com/news/magazine/2020/08/16/does-america-need-a-truth-and-reconciliation-commission-395332>; JOHN R. ALLEN & DARRELL M. WEST, BROOKINGS, *WAYS TO RECONCILE AND HEAL AMERICA* (2021), <https://www.brookings.edu/wp-content/uploads/2021/02/Reconciliation-v3.1.pdf>; Danyelle Solomon, *Truth and Reconciliation*, CTR. FOR AM. PROGRESS (Aug. 7, 2019), <https://www.americanprogress.org/article/truth-and-reconciliation/>; Eric Liu, *Americans Don't Need Reconciliation—They Need to Get Better at Arguing*, ATLANTIC (Nov. 1, 2016), <https://www.theatlantic.com/politics/archive/2016/11/post-election-reconciliation/506027/>. Beyond these examples, a simple internet search or a few minutes perusal of the cable news networks will be sufficient to establish the truth of this statement.

⁶ See, e.g., Greg Jaffe & Jenna Johnson, *In America, Talk Turns to Something Not Spoken of for 150 Years: Civil War*, WASH. POST (Mar. 2, 2019, 4:31 PM), https://www.washingtonpost.com/politics/in-america-talk-turns-to-something-unspoken-for-150-years-civil-war/2019/02/28/b3733af8-3ae4-11e9-a2cd-307b06d0257b_story.html; 31% *Think U.S. Civil War Likely Soon*, RASMUSSEN REPS. (June 27, 2018), https://www.rasmussenreports.com/public_content/politics/general_politics/june_2018/31_think_u_s_civil_war_likely_soon; Canon Press, *Rittenhouse, Tribalism, and Civil War | Douglas Wilson*, YOUTUBE (Nov. 29, 2021), <https://www.youtube.com/watch?v=tyHJC8Tk12o>; Martin Pengelly, *More Than 40% of Americans Think Civil War Likely Within a Decade*, GUARDIAN (Aug. 30, 2022, 2:00 PM), <https://www.theguardian.com/us-news/2022/aug/29/us-civil-war-fears-poll>.

it is as pressing a need today as it was at the time of the Civil War and Reconstruction.

Regrettably, progress toward the goal of racial reconciliation in America is complicated by a number of factors. Some factors are obvious, such as America's history with slavery and the slave trade, how slavery was ended, the persistence of abominable racial practices such as Jim Crow laws and other means of state-sponsored segregation and oppression, other manifestations of institutional racism such as in universities, business organizations, and professional organizations, and finally by personal racism in general, etc. Sorrowfully, the inconsistent witness of the American church has been a significant factor in this as well in that individual Christians and entire denominations not only tolerated race-based chattel slavery, segregation, Jim Crow laws, etc., but even attempted to use the Bible to justify such repugnant practices.⁷ Given this history, these are sensitive subjects that are often clouded by emotion and a lack of trust, making them particularly difficult to discuss.⁸

Other factors are perhaps less obvious, or have received less attention, but are also of great importance in understanding the current situation. One such factor is the use (or misuse) of terminology leading to a lack of clarity in the discussion.⁹ Another factor is that, even among good-willed people who agree that racial reconciliation is a pressing need, there is extreme

⁷ See, e.g., *Loving v. Virginia*, 388 U.S. 1, 3 (1967) ("Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix." (quoting *Commonwealth v. Loving* (Va. Cir. Ct. Caroline Cnty. Jan. 22, 1965))); FREDERICK DALCHO, PRACTICAL CONSIDERATIONS FOUNDED ON THE SCRIPTURES, RELATIVE TO THE SLAVE POPULATION OF SOUTH CAROLINA 9–20 (Charleston, A.E. Miller 1823).

⁸ See, e.g., JOHN M. FRAME, THE DOCTRINE OF THE CHRISTIAN LIFE 648–78 (2008). However, it should be noted that, as Dr. Frame points out, "eventually slavery fell to the gospel, not to secular egalitarianism" or, it might be added, any other non-Christian worldview. *Id.* at 660. In fact, the only civilization that eventually, at great expense and loss of life, eradicated slavery is the one civilization most castigated for it today. One suspects that this flows from a hostility toward the Christian worldview and historic Western civilization, which it underlies.

⁹ The use of the terms *race* and *racism* themselves are examples here. See *infra* Section II.A.

disagreement as to how to make progress toward the agreed upon goal.¹⁰ Finally, in recent years, there has developed a lack of clarity as to the goal itself because of the apparent collapse of a consensus as to what racial reconciliation in American society would look like.¹¹ Accordingly, while it seems clear that most Americans are opposed to racism in some sense, it is no longer clear that Americans agree on what racism actually is or what racial reconciliation would look like in American society.¹² This is not a situation that inspires hope, and it seems that some have started to doubt whether racial reconciliation is even possible.¹³

This is a sad situation, as nothing is likely to be achieved without hope. However, perhaps hopelessness is to be expected in the area of racial reconciliation, as in other areas, because these are hopeless times. As Harold J. Berman demonstrates in his seminal work *Law and Revolution*, since Western civilization and the Western legal tradition abandoned their roots in Christianity, replacing Christianity with a vacuous secularism, they have lost the hopeful eschatology of the Christianity of the Papal Revolution and the Reformation and adopted instead a secular eschatology.

¹⁰ This Article asserts that the Christian worldview is the only worldview that can provide any real path toward lasting racial reconciliation. See *infra* Section III. It is beyond the scope of this Article to discuss all the various policy and other options proposed to bring about racial reconciliation. However, this Article does present the sacrificial death and resurrection of the Lord Jesus Christ as the only hope for addressing the sin of racism. See *infra* Section IV. Further, this Article argues that the only way that the civil government can address racial reconciliation is by acting according to the biblical definition of justice and within its biblically-prescribed jurisdiction. See *infra* Section IV.A.4. Finally, a future article will illustrate this biblical framework advocated in this Article by its application to the issue of reparations.

¹¹ An initial consensus seemed to have developed that centered around “integration, assimilation and the ideal of color-blindness . . .” CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT xiv (Kimberlé Crenshaw et al. eds., 1995). Many scholars now reject that view in favor of a view that “aims . . . to recover and revitalize the radical tradition of race-consciousness among African-Americans and other peoples of color . . .” *Id.*

¹² For a biblical definition of the sin of racism, see *infra* Section II.A. For a biblical view of racial reconciliation, see *infra* Section II.

¹³ See, e.g., Constance Grady, *Colbert Asked Ta-Nehisi Coates if He Has Hope for America. Coates Said No.*, VOX (Oct. 3, 2017, 11:40 AM), <https://www.vox.com/culture/2017/10/3/16409194/ta-nehisi-coates-stephen-colbert>.

When Christian eschatology was discarded by the Enlightenment and by liberal theology in the eighteenth and nineteenth centuries, a secular eschatology took its place. “No people,” Rosenstock-Huessy writes, “can live without faith in the ultimate victory of something. So while theology slept, the laity betook itself to other sources of Last Things” —to the eschatology of Karl Marx, on the one hand, and of Friedrich Nietzsche, on the other.¹⁴

In commenting on the release in the Sabbath Year in *Deuteronomy* 15, Joseph Parker eloquently states the importance of hope, phrased by Rosenstock-Huessy as “faith in the ultimate victory of something” and discussed by Berman as eschatology, or the doctrine of last things.¹⁵ Of hope, Parker writes:

We must have the element of hopefulness in life: without hope we die. To-morrow will be a day of ransom and liberty—if not to-morrow by the clock, yet to-morrow in feeling: already the dawn is upon our hearts, already we hear noises of a distant approach: presently a great gladness will descend upon the soul. The child will be better in a day or two; when the weather warms (the doctor assures us), the life will be stronger. When arrangements now in progress are consummated—and they will be consummated presently—the whole house will be lighted up with real joy and thankfulness. So the spirit speaks to itself; so the heart sings songs in the night-time; so we live by hope and faith

We find in this year of release what we all need—namely, the principle of new chances, new opportunities, fresh beginnings. To-morrow—said the debtor or the slave—is the day of release, and the next day I shall begin again: I shall have another chance in life; the burden will be taken away, the darkness will be dispersed, and life shall be young

¹⁴ HAROLD J. BERMAN, *LAW AND REVOLUTION: THE FORMATION OF THE WESTERN LEGAL TRADITION* 27 (1983) [hereinafter BERMAN II] (quoting EUGEN ROSENSTOCK-HUESSY, *THE CHRISTIAN FUTURE* 70 (1946)).

¹⁵ *Id.*

again. Every man ought to have more chances than one, even in our own life. God has filled the sphere of life with opportunities. The expired week is dead and gone, and Christ's own resurrection day comes with the Gospel of hope, and the Gospel of a new beginning, the Gospel of a larger opportunity; and the year dies and buries itself, and the new year comes with silver trumpets, with proclamations from heaven, and Life says, when it is not utterly lost,—I will begin again: I will no longer blot the book of life: I will write with a steady and careful hand.¹⁶

With regard to race relations, America has undoubtedly “blot[ted] the book of life,”¹⁷ making terrible and grievous mistakes, the consequences of which persist to this very day. Further, it is not clear that America is, as of yet, “writ[ing] with a steady and careful hand”¹⁸ with regard to matters related to race. In fact, it seems that there is still a ways to go toward that goal.

However, there is yet hope in the Gospel of the Lord Jesus Christ that the sins and wrongs of the past might be forgiven.¹⁹ There is hope in the Gospel of the Lord Jesus Christ and His concomitant justice²⁰ that real racial reconciliation and harmony can be achieved in these United States. Martin Luther King, Jr., after quoting *Isaiah* 40:4–5,²¹ said in his “I Have a Dream” Speech, “[t]his is our hope. This is the faith that I go back to the South with. With this faith, we will be able to hew out of the mountain of despair a stone of hope.”²² This is a hope of real racial reconciliation where:

¹⁶ 4 JOSEPH PARKER, *THE PEOPLE'S BIBLE: DISCOURSES UPON HOLY SCRIPTURE* 240–41 (New York, Funk & Wagnalls 1886).

¹⁷ *Id.* at 241.

¹⁸ *Id.*

¹⁹ See 1 *John* 1:9.

²⁰ *Isaiah* 42:1–4 (English Standard), quoted in *Matthew* 12:17–21, clearly states that “bring[ing] forth justice” and “establish[ing] justice in the earth” is an important aspect of the mission of the Lord Jesus Christ. For a discussion of this passage and its application to the vocation of being a lawyer, see Rodney D. Chrisman, *Lawyers as Ministers of Justice*, 4 *FAITH & ACAD.* 19 (Spring 2020).

²¹ *Isaiah* 40:3–5 is clearly associated with the coming of the Messiah. *Luke* 3:1–6 quotes this passage and applies it to the ministry of John the Baptist in preparing the way for the ministry of Jesus. See also *Matthew* 3:3; *Mark* 1:3; *John* 1:23.

²² Martin Luther King, Jr., *I Have a Dream Speech* (August 28, 1963) (transcript and recording available at Talk of the Nation, *Read Martin Luther King Jr.'s 'I Have a Dream'*

the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

... [Where] oppression will be transformed into ... freedom and justice.

... [Where people] will not be judged by the color of their skin but by the content of their character.

... [And where] little Black boys and Black girls will be able to join hands with little white boys and white girls as sisters and brothers.²³

This is a picture of true racial reconciliation.²⁴ It was the hope of Martin Luther King, Jr., it has been the hope of countless thousands of others throughout American history, and it is a part of the Gospel of the Lord Jesus Christ.²⁵

That said, it is beyond the scope of this Article and beyond the skills and abilities of its author to address all the problems attendant to race relations in modern America or to provide answers to all of the vexing questions in this area. This author recognizes that he is woefully inadequate to take on such a task. Further, he is mindful that he is a white man attempting to address race relations and racial reconciliation in America. John Frame, in his excellent piece, *The Doctrine of the Christian Life*, admonishes that “history imposes on white Christians the obligation to be extra sensitive with blacks on matters of race.”²⁶ Attempting to take that admonition to heart and therefore attempting to write in humility and the love of God, His Gospel, and other people, the goal of this Article is to endeavor to make some contribution to the discussion of the issues surrounding racial reconciliation by proffering a biblical framework for addressing issues of racial reconciliation, including biblical definitions of important terms and

Speech in Its Entirety, NPR (Jan. 16, 2023) <https://www.npr.org/2010/01/18/122701268/i-have-a-dream-speech-in-its-entirety>).

²³ *Id.*

²⁴ See *infra* Section II for a discussion of a biblical understanding of racial reconciliation, which is very much consistent with Dr. King’s dream presented in his speech.

²⁵ See *infra* Section II.A for a discussion of the relationship of the Gospel and reconciliation, including racial reconciliation.

²⁶ FRAME, *supra* note 8 at 675.

concepts. Ultimately, this Article asserts that, in Christ and His Gospel—and only in Christ and His Gospel—there is real hope for real racial reconciliation.

Therefore, this Article begins by presenting a biblical understanding of racial reconciliation.²⁷ Section II.A offers a biblical definition of the sin of racism and discusses how the Gospel results in the eradication of sin but not the diversity that God has created in His world, including racial diversity.²⁸ Section II.B includes a biblical consideration of the term or concept of race, asserting that, biblically speaking, there is only one human race.²⁹ Section III asserts that only the Christian worldview provides a foundation for true racial reconciliation.³⁰ Finally, Section IV concludes by considering racial reconciliation as an issue of law and policy, which includes a consideration of several relevant principles of biblical justice.³¹

II. A BIBLICAL UNDERSTANDING OF RACIAL RECONCILIATION

As might be said where this author grew up in the hills of Appalachia, “if ya don’t know where you’re goin’, ye ain’t very likely to git thare.” This colloquially makes the important point that rightly understanding the goal is essential to making progress. To make progress toward racial reconciliation, it is critical to know what real racial reconciliation looks like. Progress alone is not enough as one can be progressing toward a goal or progressing away from it.

Accordingly, at the outset it is important to clarify what is meant by racial reconciliation. A Christian approach to defining this and any other term should begin by looking to the Bible. Scripture provides a beautiful picture of racial reconciliation in *Revelation* 7:9–12:

After this I looked, and behold, a great multitude that no one could number, from every nation, from all tribes and peoples and languages, standing before the throne and before the Lamb, clothed in white robes, with palm branches in their hands, and crying out with a loud voice,

²⁷ See *infra* Section II.

²⁸ See *infra* Section II.

²⁹ See *infra* Section II.B.

³⁰ See *infra* Section III.

³¹ See *infra* Section IV.

“Salvation belongs to our God who sits on the throne, and to the Lamb!” And all the angels were standing around the throne and around the elders and the four living creatures, and they fell on their faces before the throne and worshiped God, saying, “Amen! Blessing and glory and wisdom and thanksgiving and honor and power and might be to our God forever and ever! Amen.”³²

Here the Bible presents not only a picture of racial reconciliation but a picture of the goal of creation and the Gospel—redeemed people from “every nation, from all tribes and peoples and languages” gathered to worship the Lord God.³³ The worshippers here are reconciled to God and reconciled to each other. This is clearly the desire and purpose of the Lord, and accordingly, it should be the desire and purpose of every Christian.

Racial reconciliation is, therefore, a part of the Gospel itself because the Gospel is a message of reconciliation.³⁴ The first and most central

³² *Revelation* 7:9–12 (English Standard). See also *Revelation* 5:9 (English Standard), which states that Jesus Christ is worthy because He was “slain, and by [His] blood [He] ransomed people for God from every tribe and language and people and nation.” There is a good deal of debate among Bible scholars holding differing views of eschatology in general and the book of *Revelation* in particular as to who the “great multitude” of *Revelation* 7:9 actually is and how they relate to the 144,000 discussed earlier in *Revelation* 7. See, e.g., CROSSWAY BIBLES, *ESV STUDY BIBLE* 2473–74 (2008). This author tends to the opinion that this is a picture of “the church through the ages.” DOUGLAS WILSON, *WHEN THE MAN COMES AROUND: A COMMENTARY ON THE BOOK OF REVELATION* 89 (2019). Regardless of the view taken on the specifics of this passage, the fact that this provides a picture of the ultimate state of all of the redeemed, whether by analogy from this subset to the whole or by picturing the whole, seems undeniable. *Id.* at 89–90. Compare *Revelation* 7:13–17, with *Revelation* 21:1–5, and *Isaiah* 4:5–6, 25:8, 49:10. Accordingly, for the purposes for which it is used in this Article, it is not necessary to attempt to resolve this debate among biblical scholars.

³³ *Revelation* 7:9 (English Standard); see, e.g., JOHN F. MACARTHUR, *THE MACARTHUR NEW TESTAMENT COMMENTARY: EPHESIANS* 68 (1986) (“Israel was called to be a vessel through which the knowledge of God would be spread to the entire world.”); *Deuteronomy* 4:5–8 (noting how the wise law given to Israel by the Lord would attract the nations); *Daniel* 7:9–14 (stating that all peoples, nations, and languages will serve the Son of Man). See generally *Matthew* 28:16–20; *Mark* 16:15; *Luke* 24:46–48; *Acts* 1:8; *Revelation* 5:9, 21:1–5. God’s plan in the Old Covenant was to reach all nations as well.

³⁴ DOUGLAS WILSON, *SKIN AND BLOOD: A GOSPEL APPROACH TO RACE AND RACIAL ANIMOSITY* 5 (Canon Press 2022) (2017) (“And despite this great and very real barrier between Jew and Gentile, the bulk of the New Testament is *about* their reconciliation. In this sense, racial, ethnic, and tribal reconciliation is one of the central aspects of the gospel.”).

reconciliation is of rebellious and sinful humanity to God. Upon this foundational reconciliation, all further reconciliation among humanity is based.³⁵

Therefore, if anyone is in Christ, he is a new creation. The old has passed away; behold, the new has come. All this is from God, who through Christ reconciled us to himself and gave us the ministry of reconciliation; that is, in Christ God was reconciling the world to himself, not counting their trespasses against them, and entrusting to us the message of reconciliation. Therefore, we are ambassadors for Christ, God making his appeal through us. We implore you on behalf of Christ, be reconciled to God. For our sake he made him to be sin who knew no sin, so that in him we might become the righteousness of God.³⁶

This “ministry . . . [and] message of reconciliation” includes reconciliation across ethnic and racial lines.³⁷ The racial or ethnic division most at issue in the New Testament is between Jews and Gentiles. Of this, the *Bible* states:

Therefore remember that at one time you Gentiles in the flesh, called “the uncircumcision” by what is called the circumcision, which is made in the flesh by hands—remember that you were at that time separated from Christ, alienated from the commonwealth of Israel and strangers to the covenants of promise, having no hope and without God in the world. But now in Christ Jesus you who once were far off have been brought near by the blood of Christ. For he himself is our peace, who has made us both one and has broken down in his flesh the dividing wall of hostility by abolishing the law of commandments expressed in ordinances, that he might create in himself one new man in place of the two, so making peace, and might reconcile us

³⁵ See, e.g., MACARTHUR, *supra* note 33, at 74 (“Apart from Christ there not only can be no harmony with God but no harmony among men.”).

³⁶ 2 *Corinthians* 5:17–21 (English Standard).

³⁷ *Id.*

both to God in one body through the cross, thereby killing the hostility.³⁸

This demonstrates that reconciliation, including racial or ethnic reconciliation, is an important part of the Gospel and the mission of Jesus Christ. It includes peace as well as the abolition and killing of hostilities between races and ethnicities and the uniting of these groups in Christ. As Paul says elsewhere in *Galatians* 3:28, “[t]here is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus.”³⁹

In American history, as with the history of most (likely all) nations, there have been numerous examples of strife and conflict between races, ethnicities, national groups, and religions.⁴⁰ This has, of course, included strife and conflict between Jews and Gentiles at various times and places. However, the most significant racial problem in America, and the one that garners the most attention and, indeed, likely comes to mind for most Americans when the term *race* or *racial* is mentioned, is between American Blacks and whites.⁴¹ To state this more specifically, it would be “between African-Americans, descendants of slaves, and whites, whose ancestors either owned slaves or largely tolerated the existence of slavery. The history of slavery continues to create hostility between black and white, and

³⁸ *Ephesians* 2:11–16 (English Standard).

³⁹ *Galatians* 3:28 (English Standard).

⁴⁰ FRAME, *supra* note 8, at 653–54. For a helpful and insightful, even if somewhat dated, history of ethnicities in America, see THOMAS SOWELL, *ETHNIC AMERICA: A HISTORY* (1981).

⁴¹ I used the terms Blacks and whites in this sentence. In the next sentence, Dr. Frame uses the term African-American and later in the same discussion Black. I have had American Blacks tell me that there is a significant difference between later immigrants from Africa, who could certainly be called an African-American and/or Black, but whose ancestors did not experience either slavery or the Jim Crow era, and American Blacks, who are also African-Americans, but whose ancestors experienced slavery and/or the Jim Crow era or who may have experienced the Jim Crow era themselves. My desire is to be sensitive to using the correct terminology here. For the most part, this Article and the discussion of racial reconciliation focuses on African-Americans and Blacks who are descendants of slaves and/or people who suffered under the oppression of Jim Crow type laws and American whites. Certainly, many of the principles and much of the discussion would hopefully be helpful in other situations of racial and ethnic conflict, but the American context seems to continue to be dominated by racial conflict between these two groups.

subsequent history has heightened that tension.⁴² That said, if the Gospel is sufficient to bring about reconciliation between Jews and Gentiles in the first century (a division that was deep, intense, and had persisted for centuries),⁴³ it is also sufficient to bring about reconciliation between other races and ethnicities throughout history, including between American Blacks and whites in modern times.

From this discussion of ultimate racial reconciliation in the eternal state and the temporal hope and reality of racial reconciliation in Christ, a couple of practical issues germane to racial reconciliation in America today should be noted. First and foremost, racial strife and divisions are the result of sin, and the only remedy for that, and any other sin, is the Gospel of Jesus Christ. There is no other solution for sin.⁴⁴ To progress toward racial reconciliation, it is therefore necessary to properly identify the relevant sin or sins so that they can be repented of and disavowed.⁴⁵ Second, it is important to note that while the sins that give rise to racial differences will be subjugated under the feet of Christ, the diversity among the races will not. A biblical view of racial reconciliation does not involve the destruction of all racial differences.⁴⁶ God loves the diversity He has made in His world, and it will only be *freed* from the ravages of sin by the Gospel, *not eradicated*. These issues are discussed in the following sections.

⁴² FRAME, *supra* note 8, at 654.

⁴³ See, e.g., MACARTHUR, *supra* note 33, at 68–74; WILSON, *supra* note 34, at 5 (“And despite this great and very real barrier between Jew and Gentile, the bulk of the New Testament is *about* their reconciliation.”). For example, *Acts* 10 records the conversion of Cornelius, a Roman centurion and a Gentile, at the preaching of Peter, a Jew. *Acts* 10. Peter begins his sermon in *Acts* 10:28 by stating, “You yourselves know how unlawful it is for a Jew to associate with or to visit anyone of another nation, but God has shown me that I should not call any person common or unclean.” *Acts* 10:28. In *Acts* 11, the Jews (“the circumcision party”) criticized Peter for going “to uncircumcised men and [eating] with them.” *Acts* 11:2–3. After Peter related the events that had transpired in *Acts* 10 to them, including his vision and instructions from God, “they fell silent[, a]nd they glorified God, saying, ‘Then to the Gentiles also God has granted repentance that leads to life.’” *Acts* 11:18. Despite this, and the results of the Jerusalem Council in *Acts* 15, Peter, under pressure from the Jews, stopped eating with the Gentiles in the Galatian church and lead other Christian Jews astray with him on this such that Paul had to rebuke them for it. *Galatians* 2:11–14.

⁴⁴ See, e.g., *Acts* 4:10–12; *Romans* 3:21–31; 1 *Timothy* 2:5–6.

⁴⁵ See discussion *infra* Section II.A.

⁴⁶ See discussion *infra* Section II.B.

A. *Defining the Sins of Racism*

As noted above, racial animosity, strife, and division are the results of sin, and thus, the racial reconciliation discussed above is only brought about by the sacrifice of Jesus Christ. He has broken down these divisions among mankind “in his flesh,”⁴⁷ and made this peace and killed this hostility “through the cross.”⁴⁸ This “ministry . . . [and] message of reconciliation”⁴⁹ stems from the fact that Christ “who knew no sin”⁵⁰ was “[f]or our sake . . . made . . . to be sin.”⁵¹ Christ took the sins of His people upon Himself and paid for them on the cross.⁵² Those sins paid for on the cross include anything that can rightly be labeled the sin of racism.

Disavowing this sin and working to undo its results requires some consideration of what this sin actually is and what it is not. This is particularly true now that *racism* has come to mean many different things to different people and has been used carelessly by many, diluting its meaning.⁵³ Because of this, *racism* has, in many ways, become an unhelpful term. Of this, Dr. John Frame’s analysis in *The Doctrine of the Christian Life* is helpful:

Issues of such great concern to people should be discussed, not only with sensitivity, *but also with care and precision*. Unfortunately, most treatments of them are burdened by ambiguity, confusion of distinct issues, and the substitution of rhetoric for argument. There are many things that can be meant by racism, sexism, and so forth, and many practices are condemned as racist or sexist without much careful thought.⁵⁴

⁴⁷ *Ephesians* 2:14 (English Standard).

⁴⁸ *Ephesians* 2:16 (English Standard).

⁴⁹ *2 Corinthians* 5:18–19 (English Standard).

⁵⁰ *2 Corinthians* 5:21 (English Standard).

⁵¹ *Id.*

⁵² See *1 Corinthians* 15:3; *Philippians* 2:5–8.

⁵³ WILSON, *supra* note 34, at 1 (“[R]acism inflation [has] set[] in . . . [such that] the coin is completely debased. When everyone is racist, then nobody is.”).

⁵⁴ FRAME, *supra* note 8, at 667 (emphasis added).

After a thorough consideration of a biblical view of the sins associated with racism and other issues surrounding equality,⁵⁵ Dr. Frame concludes:

We have seen that the term *racism* is something of a wax nose. It means different things to different people. In fact, it tends to be used most often as an undefined term of abuse, to attack people who disagree with the speaker in a vaguely conservative direction. I propose a moratorium on the use of the term. When you get into a discussion of these matters, insist on distinguishing these issues clearly from one another.

Race is certainly a compelling issue to many people today. Therefore, terms like *racism* tend to be used as overarching terms for everything one considers bad in society.⁵⁶

These concerns are valid, and they do complicate the discussion regarding racial issues and racial reconciliation. However, if the word *racism* is abandoned, then some other word is immediately needed to attempt to describe the sin or group of sins formerly covered by the word *racism*.⁵⁷

In attempting to deal with this issue, *The Statement on Social Justice and the Gospel* persists in using the word *racism* and the phrase that “racism is a sin,” but it does go on to clarify which sins are encompassed by the term *racism*: racial animosity and racial vainglory.⁵⁸

WE AFFIRM that racism is a sin rooted in pride and malice which must be condemned and renounced by all who would honor the image of God in all people. Such racial sin can subtly or overtly manifest itself as racial animosity or racial vainglory. Such sinful prejudice or partiality falls short of God’s revealed will and violates the

⁵⁵ *Id.* at 662–78.

⁵⁶ *Id.* at 677. Many others share Dr. Frame’s concern regarding the overuse of the word *racism* and its resultant ambiguity. For example, Pastor Douglas Wilson also urges Christians to stop using the word *racism* and the phrase “racism is sin” for similar reasons to those identified by Dr. Frame. WILSON, *supra* note 34, at 1–10.

⁵⁷ See WILSON, *supra* note 34, at 2.

⁵⁸ SJ&G, THE STATEMENT ON SOCIAL JUSTICE AND THE GOSPEL art. XIV (2018), <https://statementonsocialjustice.com/wp-content/uploads/2018/09/SSJG-FINAL.pdf>.

royal law of love. We affirm that virtually all cultures, including our own, at times contain laws and systems that foster racist attitudes and policies.⁵⁹

Like Dr. Frame, Pastor Wilson encourages Christians not to use the term *racism* or the phrase “racism is sin.”⁶⁰ However, he also recognizes that some word is needed to describe the sin or sins relative to this issue.⁶¹ Writing of this in a chapter entitled “What Is Racism, and Why Is It Sinful?” Pastor Wilson states:

But the Bible doesn’t ever describe racism as a sin.⁶² Rather, I believe the Bible identifies two sins in particular that always arise in the sinful heart whenever we have interaction between cultures, races, castes, sexes, fifth and third graders, nations, or two Texas football rivals that shall remain unnamed lest violence break out. Those two sins are malice (or animosity) and vainglory respectively. Malice is hatred that is not grounded in the Scriptures. There is of course obedient hatred (which we would never think to call malicious). In this sense, it is all right to hate child abuse, genocide, and the way fundamentalist Muslims treat women. But it is not all right to hate someone simply because he is from South Dakota (or Saudi Arabia), or because his mother is French, or because his skin is darker than yours. In other words, when hatred and malice are thrown out at the world on arbitrary and autonomous grounds not found in Scripture, then the real problem is the hatred, not the bogus reasons for it. . . .

⁵⁹ *Id.*

⁶⁰ WILSON, *supra* note 34, at 4.

⁶¹ *Id.* at 4–5.

⁶² The point Pastor Wilson is making here is not that racism is not a biblical sin, as the rest of the quotation makes plain. Rather, he is noting that the Bible does not use the word or term *racism*. The closest biblical term is likely something like partiality. See *infra* Section IV.A.1 for a discussion of the status-free nature of biblical justice, which forbids partiality in this sense.

Vainglory is simply a form of pride, and pride is the root and mother of all sins. It may not be malicious, but it is still sinful—supercilious, patronizing, boastful, and so on. . . .

So I would urge Christians to stop using the phrase “racism is sin,” and instead start saying that “racial vainglory is sin” or “racial animosity is sin.” But as long as we do continue to use the word *racism*, here is my working definition: A *malicious racist* is someone who directs malice, spite, or hatred toward another human being of another race *because* that person belongs to that other race. A *patronizing racist* is someone who takes personal ego credit for any superiority he may have (whether real or imagined, usually imagined) over someone who belongs to another race. . . .

A racist, then, is someone who takes the scripturally insufficient grounds of racial differences to justify his own malice or petty pride. And those who do such things need to repent.⁶³

These comments are helpful in clarifying the issue and distinguishing between what is sin and what is not in this area. This is needed, as previously noted, because there is much confusion surrounding the word *racism*.

Clarification and careful defining of terms are also needed because human beings naturally engage in many activities that—although involving categorization, distinctions, and divisions—are not in and of themselves sinful. Human beings can hardly help but use the God-given gift of reason.⁶⁴ As a part of this, people are natural categorizers. Even young children manifest this strong inclination toward identifying similarities and differences between things they encounter and categorizing them accordingly. For example, while growing up on a farm, this author’s children have not struggled at all to see that there are significant differences between the animals on the farm and the people, even from very young ages. However, they have also quickly recognized the similarities between the people on the farm and the animals. Further, they have quickly

⁶³ WILSON, *supra* note 34, at 3–5.

⁶⁴ See *Isaiah* 1:18; *Genesis* 1:27.

recognized the differences and similarities among the various animals on the farm and have not been surprised that the turkeys and chickens are very similar and are therefore cared for in similar ways, which are quite different than the ways in which the pigs or dogs must be cared for.

Human beings also have a natural desire along these lines to identify with groups of other human beings.⁶⁵ At the most basic level, this involves identification with one's family, which is a good thing biblically speaking.⁶⁶ It can also involve identification with various other groups based upon everything from being a member of a nation, resident of a particular state, alumnus of a certain college or university, or fan of a particular sports team. Many of these identifications and divisions are helpful or good, and others are probably at worst trivial. These identifications, of necessity, lead to the making of distinctions or divisions among people. For example, one is either a member of a certain family or not. If everyone is a member of the Jones family, the term *Jones family* would be synonymous with the term *human family* and would cease to have meaning. Either one is a resident of the state of Texas or one is not. Either one is a fan of the New York Yankees or one is not.

However, after the fall of man and the entry of sin into the world, this natural tendency to recognize similarities and differences and to identify and then divide along these lines can turn sinful and sinister (and has in many instances). Most relevant to this Article, of course, is the tendency to divide along racial lines. As noted above, specifically, two broad types of sin present in this setting can lead to racial division and strife—racial animosity and racial vainglory. The only remedy for such sins is repentance and turning to Christ.⁶⁷

Recognizing this, and following the suggestion above, this Article asserts that a biblical definition of the term *racism* is the sin of “tak[ing] the scripturally insufficient grounds of racial differences to justify . . . malice or petty pride.”⁶⁸ Further, this Article views the sin of racism to include

⁶⁵ FRAME, *supra* note 8, at 672.

⁶⁶ The Bible specifically includes an absence of natural affection in lists of heinous sins. *Romans* 1:28–31 (King James); *2 Timothy* 3:1–5 (King James); see also Louis W. Hensler III, *The Legal Significance of the Natural Affection of Charlie Gard's Parents*, 17 CONN. PUB. INT. L.J. 59, 71–75 (2017) (discussing natural affection in religious traditions such as in the Bible).

⁶⁷ See 1 *John* 1:9; FRAME, *supra* note 8, at 668; WILSON, *supra* note 34, at 10.

⁶⁸ WILSON, *supra* note 34, at 5.

primarily two types or categories of sin: racial animosity and racial vainglory. “Racial animosity,” when used in this Article, means animus, dislike, disgust, hatred, or similar negative feelings directed at members of other races based merely upon their membership in that particular race. “Racial vainglory,” on the other hand, is used to mean a presumption that one’s own race is superior to other races and would include the derivative idea that any particular individual of one’s own race, oneself included, is therefore superior to any particular member of any other race. Both of these positions are wicked and sinful because they deny the Image of God in all people, they deny the common ancestry of all people, and they are in opposition to the Gospel’s goal of reconciliation.⁶⁹ In other words, both of these sins are enemies of Christ and must be subdued under His feet. By stating them clearly and recognizing them for what they are, it is hoped that it will be somewhat easier to do just that.

B. The Eradication of Sin, Not Diversity

While biblical racial reconciliation does involve the destruction of the sins of racial animosity and racial vainglory, biblical racial reconciliation does not include the eradication of all racial or ethnic distinctions any more than the Gospel in general leads to the eradication of all personal uniqueness or distinctions.⁷⁰ Further, it is not the elevation of one race over another. Instead, it involves the fruition of all these distinctions and diversities within people that is made possible by their being freed from the corruptions of sin. God loves diversity,⁷¹ and the diversity manifested in the world not relative to sin was created by God and was intended to, does, and will bring Him glory.⁷²

⁶⁹ See 1 John 3:14–15, 3:19–20; Proverbs 21:4; Genesis 1:26–27; Colossians 1:15–23.

⁷⁰ See Colossians 3:1, 3:11.

⁷¹ Even a cursory observation of the world that God has made will confirm this. The trees throughout the year in the Blue Ridge Mountains where this author lives demonstrate God’s love for diversity by the various colors and blooms in the spring to the various hues and shades of the leaves in the fall. Further, the various human faces also magnificently display the diversity God has made, which He clearly loves. See Romans 5:8. God’s goal in creation was demonstrably not sameness, and His goal in redemption and reconciliation is also not sameness.

⁷² This too is a reflection of God Himself. In the trinitarian Godhead, there is both unity and diversity. THE WESTMINSTER CONFSSION OF FAITH ch. II (Logos Rsch. Sys, Inc. ed. 1996). There is unity in that God is one. *Id.* There is diversity in that God exists in three persons. *Id.*

At this point, it is necessary to consider carefully what is meant by the term *race*. Throughout this Article, the term *race* and words derived from it such as *racial* and *racism* have been and will be used. This has been done somewhat under protest and only as a concession to how these matters have come to be discussed in modern times. *Race* as it is currently used is not a biblical concept or category. The Bible clearly presents that there is only one human race. As *The Statement on Social Justice and the Gospel* provides:

WE AFFIRM God made all people from one man. Though people often can be distinguished by different ethnicities and nationalities, they are ontological equals before God in both creation and redemption. “Race” is not a biblical category, but rather a social construct that often has been used to classify groups of people in terms of inferiority and superiority. All that is good, honest, just, and beautiful in various ethnic backgrounds and experiences can be celebrated as the fruit of God’s grace. All sinful actions and their results (including evils perpetrated between and upon ethnic groups by others) are to be confessed as sinful, repented of, and repudiated.⁷³

Given that “God made all people from one man,”⁷⁴ all people are related and there is, in actuality, only one human race. All people descend from Adam and Eve originally⁷⁵ and then from Noah, his wife, his sons, and his sons’ wives following the flood.⁷⁶ As the Apostle Paul stated when addressing the Athenians, God “made from one man every nation of mankind to live on all the face of the earth, having determined allotted periods and the boundaries of their dwelling place.”⁷⁷

⁷³ SJ&G, *supra* note 5859 (emphasis added).

⁷⁴ *Id.*; see *Genesis* 1–2 (accounting creation, including the creation of the first man and woman), 6–10 (accounting the flood and, therefore, the descent of all people through Noah, his sons, and their wives); *Acts* 17:24–26 (affirming that God made all of the nations from one man).

⁷⁵ *Genesis* 1:26–28, 2:7, 2:18–25, 3:20 (King James) (“Eve [was called] the mother of all living”).

⁷⁶ *Genesis* 7:17–23, 8:15–18, 9:1, 9:7, 9:18–19, 10 (New American Standard) (stating that from Noah, his wife, his sons, and his sons’ wives “the whole earth was populated”).

⁷⁷ *Acts* 17:26 (English Standard). For the full context of this statement, see *Acts* 17:22–34.

Accordingly, since every person to ever live, or that ever will live, descended from Adam and Eve, there is only one human race as opposed to many races. People form a single human family that manifests diversity but is still a single human family. The language used to discuss an issue matters, and, in light of the biblical truth regarding the origins of humanity, it becomes clear why the term *race* (including *racism*) has come to be unhelpful. It magnifies the divisions between people, making them appear far more significant than they actually are.

As noted, the Bible does not speak in terms of multiple races; however, the Bible does recognize the diversity among humankind and their groupings. Rather than using the term *race*, the Bible uses terms such as *nation*, *tribe*, *kindred*, *people*, *tongue*, or *language*, depending upon the translation, to describe this diversity or groupings among humanity. *Revelation 7:9* uses the term *nation*,⁷⁸ translating the Greek word *ethnos* (ἔθνος), as what appears to be the largest descriptive groups, reconciled to God and one another, worshipping before the throne of God. This Greek word means “the largest unit into which the people of the world are divided on the basis of their constituting a socio-political community—’nation, people.’”⁷⁹ The English word *ethnicity* is derived from this Greek word.

Revelation 7:9 goes on to provide that, from among the various nations (*ethnos* (ἔθνος)), there are people “from all tribes and peoples and languages, standing before the throne and before the Lamb” worshipping together in harmony.⁸⁰ The Greek words translated *tribes*, *peoples*, and *languages* are *phyle* (φυλή),⁸¹ *laos* (λαός),⁸² and *glossa* (γλῶσσα).⁸³ *The*

⁷⁸ *Revelation 7:9* (English Standard). For the modern reader, the word *nation* will immediately bring to mind the nation-state as it exists today. However, this is not the meaning of this term in the Bible as the modern nation-state had not yet come into existence. The modern nation-state dates from approximately the twelfth century. HAROLD J. BERMAN, *LAW AND REVOLUTION: THE FORMATION OF THE WESTERN LEGAL TRADITION* 400 (1983) [hereinafter BERMAN I].

⁷⁹ JOHANNES P. LOUW & EUGENE A. NIDA, *GREEK-ENGLISH LEXICON OF THE NEW TESTAMENT: BASED ON SEMANTIC DOMAINS* 129 (Eugene A. Nida et al. eds., 2d ed. 1989).

⁸⁰ *Revelation 7:9* (English Standard).

⁸¹ LOUW & NIDA, *supra* note 79, at 111.

⁸² HERMANN STRATHMANN & RUDOLF MEYER, “Λαός,” *THEOLOGICAL DICTIONARY OF THE NEW TESTAMENT* 52 (Gerhard Kittel et al. eds., Geoffrey W. Bromiley trans., 1964).

⁸³ LOUW & NIDA, *supra* note 79, at 387.

Theological Dictionary of the New Testament, discussing the definitions and interrelationship of these words, states:

This word [(*ethnos* (ἔθνος)], which is common in G[reek] from the very first, probably comes from ἔθος, and means “mass” or “host” or “multitude” bound by the same manners, customs or other distinctive features. Applied to men, it gives us the sense of people; but it can also be used of animals in the sense of “herd” or of insects in the sense of “swarm” (though cf. also ἔθνος μελισσῶν for the race of bees). The original sense may still be seen in the πᾶν ἔθνος ἀνθρώπων of Ac. 17:26.

In most cases ἔθνος [*ethnos*] is used of men in the sense of a “people.” Synon[yms] are → φυλή [(*phyle*)] (people as a national unity of common descent), → λαός [(*laos*)] (people as a political unity with a common history and constitution) and → γλῶσσα [(*glossa*)] (people as a linguistic unity). ἔθνος is the most general and therefore the weakest of these terms, having simply an ethnographical sense and denoting the natural cohesion of a people in general.⁸⁴

Clearly, the Bible recognizes the unity of all humanity in that all people are made in the image of God and are all descended from Adam initially and later the family of Noah. Further, it is equally clear that the Bible recognizes that there is diversity among humanity based upon several factors, including: common geographical location, common descent (including physical characteristics, such as skin color, which is frequently the focus of the use of the word race today), common language, common history, and political unity.⁸⁵

⁸⁴ GEORG BERTRAM & KARL LUDWIG SCHMIDT, “ἔθνος, ἔθνικός,” *THEOLOGICAL DICTIONARY OF THE NEW TESTAMENT* 369 (Gerhard Kittel et al. eds., Geoffrey W. Bromiley trans., 1964).

⁸⁵ Here again the Christian worldview provides the only answer to vexing questions in this and other areas. How can there be both unity and diversity? Which is ultimate? This relates to the philosophical question of the one and the many, which has plagued philosophers from the earliest days of philosophy. Christianity provides the answer in the Christian doctrine of the trinity, both the one and the many, unity and diversity, are

That said, none of the biblical terms used above are perfect synonyms for what is often meant by the use of the word *race* today. Sometimes people seem to mean little more than skin color. Other times, much more is meant, including a full set of social experiences.⁸⁶ Accordingly, in discussing these issues in modern times, it is difficult to avoid the use of the word or concept of race. Still, the biblical revelation provides a helpful and necessary corrective regarding how race should be understood to include both a recognition of the diversity that God has made in His world and the fundamental unity of all humankind as specially made in the image of God.

III. WHY ONLY THE CHRISTIAN WORLDVIEW PROVIDES A FOUNDATION FOR RACIAL RECONCILIATION

To an extent, it seems that secular scientific thought agrees with the biblical position that there is only one human race and that racism is wrong. Writing in *National Geographic*, Elizabeth Kolbert says, “What is race, exactly? Science tells us there is no genetic or scientific basis for it. Instead it’s largely a made-up label, used to define and separate us.”⁸⁷ Further, “all humans are closely related [according to genetic research]—more closely related than all chimps, even though there are many more humans around today.”⁸⁸ Kolbert’s article discusses “scientific racism,” a view advocated in the early nineteenth century by a doctor named Samuel Morton, the “father of scientific racism,” to illustrate how race has been used to divide and

ultimate. See, e.g., ROUSAS JOHN RUSHDOONY, *THE ONE AND THE MANY: STUDIES IN THE PHILOSOPHY OF ORDER AND ULTIMACY* (2d ed. 2007).

This also presents as a possible answer to the desire for race consciousness and a reaction against a radical form of color blindness that might tend to eradicate all differences among people. This seems to be a significant source of contention and division in the current debates regarding race, racial reconciliation, and law. The Christian worldview provides a foundation for color blindness in certain settings where it is appropriate, while maintaining a place for race consciousness where it is appropriate. This would be a fruitful area, it seems, for more scholarship from the perspective of a specifically Christian approach to issues of race relations in general and race and the law in particular.

⁸⁶ Elizabeth Kolbert, *Skin Deep*, NAT’L GEOGRAPHIC, Apr. 2018, at 29.

⁸⁷ *Id.* Kolbert’s article is of course written from a materialist and evolutionary perspective and not from a Christian worldview perspective such as the one taken by the author of this Article. Thus, the author uses the phrase “secular scientific thought.”

⁸⁸ *Id.* at 34.

oppress people.⁸⁹ This might be referred to as the racist past of the word or concept of race.

This recognition by scientists holding a worldview contrary to the Christian worldview demonstrates why there is only hope for racial reconciliation within the Christian worldview. Kolbert's article clearly operates within a naturalist or materialist worldview.⁹⁰ The racist views that would be rightly condemned by Elizabeth Kolbert and those sharing her worldview sadly have deep roots in the worldview to which she ascribes. For example, the full title of Charles Darwin's seminal evolutionary work is *On the Origin of Species by Means of Natural Selection, or the Preservation of Favoured Races in the Struggle for Life*.⁹¹ Indeed, there is no consistent way for a naturalist, secular humanist worldview to even support the idea that racism is wrong, at least not without borrowing from the Christian worldview.

Why is racism wrong? Many would say that such a question should not even be asked because racism is so obviously wrong. In modern times there is a wide societal consensus that racism is evil; this is a good thing if racism is properly understood to mean racial animosity and racial vainglory. It should be noted that such a consensus is unusual in history, and it is a sign

⁸⁹ *Id.* at 30–31.

⁹⁰ See JAMES W. SIRE, *THE UNIVERSE NEXT DOOR* (5th ed. 2009) for a classic discussion of the various worldviews in general and pages 66–93 for a discussion of what Dr. Sire calls naturalism in particular. The worldview could also be called materialism. Naturalism or materialism is the worldview that currently dominates scientific thinking, including prominently the theory of evolution that serves naturalism as a sort of origins myth or “creation” story. A particular form of naturalism, according to Dr. Sire, is secular humanism, which “is a form of humanism that is completely framed within a naturalistic worldview.” *Id.* at 85. This view, in modern times, is often combined with relativism or postmodernism as well. Dr. Sire discusses postmodernism on pages 214–43. For an excellent discussion of this relative to issues of law, see STEVEN D. SMITH, *LAW'S QUANDARY* 22–37 (2004), which discusses various ontological dynasties flowing from these worldviews. For the purposes of this Article, naturalism or materialism, secular humanism, and postmodernism could be used interchangeably as all of these worldviews reject the idea of a Creator God and thereby the possibility of a binding standard on all people in all places in all times, such as the law of nature and nature's God. Accordingly, this Article does at times use a variety of these terms and largely does so synonymously to indicate the prevailing non-Christian worldview of modern times.

⁹¹ CHARLES DARWIN, *ON THE ORIGIN OF SPECIES BY MEANS OF NATURAL SELECTION, OR THE PRESERVATION OF FAVOURED RACES IN THE STRUGGLE FOR LIFE* (1859).

of the progress of the kingdom of Christ that racism is so widely viewed by Christians and non-Christians alike as an evil that should be extirpated from society and every human heart.⁹²

Still, this leaves the question: From a secular worldview, what is it that makes racism wrong? Or, to put it a different way, how does a person operating within a secular worldview know that racism is wrong? Surely it cannot be merely that there is a wide societal consensus that it is wrong. As has been stated, such a consensus does exist today, but if racism is only wrong so long as enough members of society agree that it is wrong, this is a very unstable foundation indeed. If enough people changed their minds, it would cease to be wrong and might even become right or good. In other words, consensus is an unsatisfactory basis for such important ideas as the fundamental equality of all people, regardless of race. But what more can someone holding a secular, naturalistic worldview look to other than consensus?

A popular answer to this question seems to be that racism causes suffering, and the reason for causing the suffering is arbitrary. For example, Peter Singer makes this argument in his famous book *Animal Liberation*.⁹³ While Singer's position seems compelling (who could disagree that suffering is bad and suffering caused for arbitrary reasons seems particularly bad), it involves several assumptions that do not hold up well to a more focused scrutiny. In other words, the foundation for his assertions, when viewed according to his own worldview, is not stable at all.

First, it assumes that suffering is bad without any authority that establishes that suffering is bad. In other words, by what authority can it be established that suffering is bad? How does one know that suffering is bad?

⁹² There are numerous such examples of the triumph of the Gospel. For example, human sacrifice was formerly a widespread practice across the earth. However, through the workings of the Gospel, human sacrifice has been virtually eliminated. As the Gospel continues to triumph, and "the earth [is] filled with the knowledge of the glory of the LORD as the waters cover the sea," praise be to God that sins that are widespread and common today will be eradicated from the earth. *Habakkuk 2:14* (English Standard); see also *Isaiah 11:9*; *Psalms 2, 72:19, 110*; *Daniel 2:35*; *Matthew 13:31–33*; *Mark 4:30–32*; *Luke 13:18–19*; *1 Corinthians 15:25*.

⁹³ PETER SINGER, *ANIMAL LIBERATION* 20–24, 73 (40th anniv. ed. 2015).

Singer offers no grounds for this but rather just assumes it to be so.⁹⁴ Second, it ignores the possibility that racial integration causes suffering or pain to some people, or it assumes that such suffering is not to be counted in determining ethical standards. However, Singer offers no grounds for this, and indeed, it is hard to fathom what grounds could be offered for this using Singer's worldview. Again, by what authority or standard does Singer know which sufferings are to be counted and which sufferings are to be ignored? How does one determine which sufferings are valid?

In fact, according to a naturalistic, materialistic, and evolutionary worldview, the entirety of the cosmos is nothing more than a random configuration of matter governed by chance. In such a world, how could anything be defined as unusually arbitrary? Isn't everything, by definition, fundamentally arbitrary in such a universe? One presumes that Singer, and others like him, would respond by some appeal to the rules of reason or the laws of logic to attempt to demonstrate these premises. However, what are the laws of logic and where do they come from? Are they material? Surely not, and therefore, something outside of the materialist's worldview is being appealed to in order to justify and establish its fundamental assumptions.

If human beings are nothing more than animals, and, if they, like all animals, are nothing more than a particular collection of matter that has come together by chance operating over time, then it is hard to see how one could conclude that anything is fundamentally wrong in a universal or transcendent sense. It seems that a naturalist is left again with consensus, i.e., enough people agree that this or that is wrong or bad, and therefore, it is wrong or bad.⁹⁵ Suffering cannot, under this worldview, be said to be bad

⁹⁴ Presumably Singer and others like him would base this upon human reason alone, but humans using human reason have often disagreed about such matters. When a disagreement occurs, how is it to be resolved?

⁹⁵ Oliver Wendell Holmes, Jr. seemed to agree with this view. For example, he wrote "all law means I will kill you if necessary to make you conform to my requirements." Albert W. Alschuler, *From Blackstone to Holmes: The Revolt Against Natural Law*, 36 PEPP. L. REV. 491, 498 (2009) (quoting Letter from Oliver Wendell Holmes, Jr. to Harold Laski (Sept. 7, 1916), in 1 HOLMES-LASKI LETTERS: THE CORRESPONDENCE OF MR. JUSTICE HOLMES AND HAROLD J. LASKI, 1916-1935, at 16 (Mark DeWolfe Howe ed., 1953)). In fact, Justice Holmes would appear to agree with Singer on all relevant points to this discussion. Prof. Alschuler's collection of quotes in his excellent article demonstrates this. See *id.* at 497-505. Here is another example: "You respect the rights of man—I don't, except those things a given crowd will fight for." *Id.* at 498 (quoting Letter from Oliver Wendell Holmes, Jr. to Harold Laski

in any ultimate sense, but rather it is bad because enough people agree that it is bad. Further, the views of people to whom racial reconciliation and integration causes suffering are ignored because enough people agree that those views are invalid. In fact, the only reason that one could believe that the minimization of suffering (or, as noted above, some suffering or valid suffering) is itself a worthy goal is because there is sufficient consensus on the point. Without some transcendent standard by which to establish right and wrong, every important question reduces to a matter of consensus and therefore ultimately to politics and power.⁹⁶

Under such worldviews, there is no way to condemn the atrocities of race-based slavery or the atrocities of Nazi Germany assuming these policies had the support of a consensus of those societies, which seems likely. Presumably, one could conclude that these atrocities are wrong because there is a consensus *now* that they are wrong. This, of course, begs the question as to whose consensus controls. Why should the modern consensus control over prior ones? Should the consensus of the American South in the 1840s–1860s or Germany in the 1930s–1940s prevail over the consensus of today? How does one know or answer such questions? By what authority can such questions be answered?

In contrast to other worldviews, the Christian worldview provides clear and binding transcendental answers to these questions in the revelation of the Creator God. As previously noted, the Bible clearly teaches that racism, as defined in this Article, is sinful and wrong.⁹⁷ This does not depend upon human consensus, will, or power, but rather upon the holy and righteous character of the Creator God. Accordingly, the Christian worldview provides clear grounds for the condemnation of the sin of racism as well as clear grounds for the understanding and celebration of both unity and

(June 1, 1927), in 2 HOLMES-LASKI LETTERS: THE CORRESPONDENCE OF MR. JUSTICE HOLMES AND HAROLD J. LASKI, 1926–1935, at 948 (Mark DeWolfe Howe ed., 1953).

⁹⁶ Singer, Holmes, and others with similar worldviews end up taking some type of utilitarian position. Noting the ultimate futility of such positions, Dean Tuomala writes:

Not only is the utilitarian unable to select an efficient means to the desired end, he is unable to justify a particular end as good. Even if there is a shared vision of the good, there is no assurance that it is “good” indeed and would not be more painful than pleasurable.

Tuomala, *supra* note 1, at 250.

⁹⁷ *Supra* Section II.A.

diversity among humankind. Through God's creation of the world and the Gospel of the Lord Jesus Christ, the Christian worldview provides a firm foundation for the hope and work of racial reconciliation.

IV. RACIAL RECONCILIATION AS AN ISSUE OF LAW AND POLICY FROM A BIBLICAL PERSPECTIVE

As stated above, the Christian worldview provides the only foundation for real racial reconciliation. According to the Christian worldview, racial division and strife results from sin, and the only answer for sin is repenting and turning to Christ. Consequently, the gospel is the only answer for sin and the problems associated therewith. This is true in the area of racial reconciliation just as in other areas. "Outside of Jesus Christ, racial harmony is a pipe dream. Apart from Christ, racial reconciliation is not going to happen, but rather the opposite. In Christ, racial harmony is a theological necessity, a doctrinal requirement, and an eschatological hope."⁹⁸ On a personal level, this means that racism, and its constituent sins of racial animosity and racial vainglory, must be repented of and turned from by individual people.

However, one should not stop at the personal level, and discussions of this issue in modern America rarely focus on the personal level. Rather, the focus tends to be on racial reconciliation and related matters as issues of law and policy, most specifically as issues to be addressed by the civil government in one way or the other. A Christian consideration of such issues should certainly include this perspective. What does God require with regard to these issues at the level of law and policy? Or, to put it differently, what does God require of the civil government with regard to racial animosity or racial vainglory? What role should the civil government play in racial reconciliation from a biblical perspective?

Here is another point where careful distinctions are needed. There is a great tendency among modern Christians to only look to the Bible on issues of personal ethics or morality. A person holding such a view would have no problem with the idea that a sin needs to be repented of. However, such a person in modern times might well make two different errors in thinking about this issue. One error of thinking is to assume that the Bible is

⁹⁸ WILSON, *supra* note 34, at 7.

irrelevant to issues of law and policy and is limited to only personal or private issues.⁹⁹

In fact, in modern times this view is not only adopted by many Christians but is the prevailing view of the culture at large, especially among the cultural elites. The Christian worldview in particular, and positions of faith in general, have come to be viewed as purely private matters that are inappropriate bases for discussion of issues of law and policy. In other words, faith has been relegated to the realm of the personal and the private and is therefore viewed as at best irrelevant, and possibly even destructive, to the societal or public realm.¹⁰⁰ However, “[r]ecognizing that these presuppositions are based on faith does not mean that they must be at odds with knowledge or operate in a separate realm. Rather we believe that we might know, and there is a wonderful communion between thought, action and faith that is properly grounded.”¹⁰¹

One might think that it would be rather unremarkable for a Christian, such as the author, to look to the Bible to find answers to the vexing questions and issues surrounding race relations and racial reconciliation, both on the personal level and on the level of law and policy. However, in line with the cultural view that the Bible is irrelevant to questions of law and policy, there are many Christians who apparently do not view the Bible as adequate or even relevant to answering such questions. For example, Phil Vischer, one of the creators of *Veggie Tales* and a Christian public figure, tweeted, “[t]he Bible can’t tell us what it[‘]s like to be black in America, or

⁹⁹ Chrisman, *supra* note 4, at 453–54. Discussing this relegation of religion to a purely private matter, Professor Berman writes that:

the significant factor in this regard—in the nineteenth century and even more in the twentieth—was the very gradual reduction of traditional religion to the level of a personal, private matter, without public influence on legal development, while other belief systems—new secular religions (ideologies, “isms”)—were raised to the level of passionate faiths for which people collectively were willing not only to die but also to live new lives.

BERMAN I, *supra* note 78, at 31.

¹⁰⁰ Chrisman, *supra* note 4, at 457–60; see SMITH, *supra* note 90, at 31–36.

¹⁰¹ Tuomala, *supra* note 1, at 255.

how to address systemic discrimination in housing or education.”¹⁰² While it might be true that the Bible does not contain direct information about what it is like to be Black in America, or for that matter what it is like to be any race or ethnicity in America at all, and that the Bible does not contain specific programs or steps to take to address housing or education related issues in America today, it most certainly does contain principles of morality, justice, and law that do inform how such situations and issues of law and policy should be addressed. Cornelius Van Til put it well when he said:

The Bible is thought of as authoritative on everything of which it speaks. And *it speaks of everything*. We do not mean that it speaks of football games, of atoms, etc., directly, but we do mean that it speaks of everything either directly or indirectly. It tells us not only of the Christ and his work, but also of who God is and whence the universe has come. It gives us a philosophy of history as well as history. Moreover, the information on these subjects is woven into an inextricable whole. It is only if you reject the Bible as the Word of God that you can separate its so-called religious and moral instruction from what it says, e.g., about the physical universe.¹⁰³

In addition to speaking of the physical universe, the Bible speaks of issues of law and justice. Further, as Dr. Van Til aptly points out, it speaks authoritatively of such things. Therefore, Christians should—and this Article does—look for biblical truths and principles that may be applied to the issues of racial reconciliation we face today, including issues of law and policy, in the hope that authoritative and helpful answers may be found.

¹⁰² VODDIE BAUCHAM JR., *FAULT LINES: THE SOCIAL JUSTICE MOVEMENT AND EVANGELICALISM’S LOOMING CATASTROPHE* 99 (2021) (quoting Phil Vischer (@philvischer), TWITTER (June 9, 2020), <https://twitter.com/philvischer/status/1270468029093216257?s=20>). Of course, American Christians have been treating the Bible as little more than a devotional book for decades now, leading to its practical abandonment with regard to issues of law and policy. See, e.g., Titus, *supra* note 4, at 305 (“The conventional wisdom today is that the Bible is irrelevant to the study and practice of law in America because law does not come by God’s revelation, but only from man’s reason.”).

¹⁰³ CORNELIUS VAN TIL, *THE DEFENSE OF THE FAITH* 29 (K. Scott Oliphint ed., Presbyterian and Reformed Publishing Company 4th ed. 2008) (1955) (footnotes omitted).

A second error of thinking that is often made is to assume that, if the Bible reveals something to be a problem or a sin (or perhaps if it is a problem or a sin regardless of how the Bible views it), then it is a matter that must be addressed by the civil government. In other words, such a Christian would take an “all-hands-on-deck” type of approach in dealing with the problem or sin, i.e., individuals, churches, charities, and civil governments (whether federal, state, or local) should do all they can do to alleviate the problem or address the issue.¹⁰⁴

The solution to this error is once again God’s revelation of Himself. God’s revelation is not limited to issues of personal ethics but also includes issues of law and policy. God’s revelation contains not only the ends to be sought but also the means by which those ends are to be sought. Further, God’s revelation also addresses which ends should be sought and which means should be employed by which social institutions.¹⁰⁵ Discussing this issue in his excellent article *Biblical Model for Analysis of Issues of Law and Public Policy*, Professor Bern uses the word “jurisdiction” to mean the authority entrusted by the Creator God to individuals and institutions.¹⁰⁶

A foundational idea here is that no human being or institution, including the civil government, has unlimited or universal jurisdiction. Only Jesus Christ, the King of kings and Lord of lords has such jurisdiction.¹⁰⁷ God has created institutions (or governments), and He has entrusted those

¹⁰⁴ For an example of this, see TIMOTHY KELLER, *GENEROUS JUSTICE* (2010). This book is very helpful on a number of fronts. However, the book just assumes that every person and institution should do all he, she, or it can to achieve justice and fight poverty without any consideration of what the proper biblical role or jurisdiction of these particular people or institutions might be. In other words, once it is established that justice (or even something that is perhaps more like social justice) should be sought, i.e., a desired end has been established, then it is the job of every person and institution to seek it in any and every way possible, i.e., the Bible is not consulted as to the means.

¹⁰⁵ See, e.g., *Galatians* 5:22–23; *Colossians* 3:18–21; *Ephesians* 5:24–6:4; *Hebrews* 13:17; *1 Timothy* 3:1–13; *Romans* 13:1–7; *1 Peter* 2:13–17; Bern, *supra* note 4, at 116–31; Tuomala, *supra* note 1, at 223–24, 231–33; HERBERT W. TITUS, *GOD, MAN, AND LAW: THE BIBLICAL PRINCIPLES* 64–97 (1994); DAVID W. HALL, *SAVIOR OR SERVANT? PUTTING GOVERNMENT IN ITS PLACE* (1996).

¹⁰⁶ Bern, *supra* note 4, at 116.

¹⁰⁷ *Id.* at 117–18; CHRISMAN, *supra* note 2, at 31–34 (discussing Roger Bern, *A Biblical Model for Analysis of Issues of Law and Public Policy: With Illustrative Applications to Contracts, Antitrust, Remedies and Public Policy Issues*, 6 REGENT U. L. REV. 103 (1995)).

institutions with limited jurisdictions.¹⁰⁸ Specifically, these governments are individual (or self-government), family government, church government, and civil government.¹⁰⁹

Dean Tuomala, writing of the relative jurisdictions of the church and the civil government in his superb article *Christ's Atonement as the Model for Civil Justice* in a context that is directly relevant to the topic of this Article, states:

Christ's work establishes an objective basis for reconciliation by satisfying justice, while the Holy Spirit makes reconciliation a subjective reality by revealing truth and transforming lives. The state is entrusted with the ministry of justice through the power of the sword, while the church is entrusted the ministry of reconciliation through the power of the Spirit. Just as God has not given the church the sword of steel necessary to exact justice, he has not given the state the sword of the Spirit necessary to transform the sin nature of wrongdoers and reconcile parties.¹¹⁰

As previously discussed herein, the Gospel includes the ministry of reconciliation. As Dean Tuomala points out, this ministry of reconciliation is entrusted to the church.¹¹¹ The civil government, by contrast, is primarily tasked with the ministry of justice.¹¹² To properly evaluate the civil

¹⁰⁸ Bern, *supra* note 4, at 118–24.

¹⁰⁹ *See id.*

¹¹⁰ Tuomala, *supra* note 1, at 224 (footnotes omitted).

¹¹¹ This is speaking as between the church and the civil government. *See id.* This ministry of reconciliation is, in a very real sense, also entrusted to families and individuals. *See Ephesians 4:32.* One might even say that it is also entrusted to the civil government, but only in the sense of how that plays out in the biblical jurisdiction of the civil government and the other institutions. For example, the civil government's role in reconciliation is limited to providing civil justice that, as Dean Tuomala points out, forms a foundation "for reconciliation of victim and offender and the restoration of both." Tuomala, *supra* note 1, at 222.

¹¹² To the civil government, the Bible commands: "You shall not distort justice . . . [and j]ustice, *and only* justice, you shall pursue . . ." *Deuteronomy 16:19–20* (New American Standard) (emphasis added).

government's role in racial reconciliation,¹¹³ one should begin with the biblical definition of justice because it prescribes the civil government's jurisdiction.¹¹⁴ It is to this definition that this Article now turns.

A. *Some Relevant Principles of Biblical Justice*

A thorough consideration of biblical justice is beyond the scope of this Article. However, there are some principles of biblical justice that are very relevant to the issue of racial reconciliation and the role of the civil government therein. Some of these issues are discussed in the following: the status-free nature of biblical justice; the importance of punishment and restitution to biblical justice; the centrality of personal responsibility to biblical justice; and the limited nature of human justice as compared to God's ultimate justice.

1. The Status-Free Nature of Biblical Justice

At the beginning of the book of *Deuteronomy*, God, through Moses, gives a charge to the judges of Israel.¹¹⁵ This charge offers an excellent summary statement of how the civil magistrate is to administer justice. In relevant part, it provides:

Hear the cases between your brothers, and judge righteously between a man and his brother or the alien who is with him. You shall not be partial in judgment. You shall hear the small and the great alike. You shall not be intimidated by anyone, for the judgment is God's.¹¹⁶

Many other verses provide similar admonitions with regard to justice. *Exodus* 23:2–3 forbids “siding with the many, so as to pervert justice, . . . [and] be[ing] partial to a poor man in his lawsuit.”¹¹⁷ However, *Exodus* 23:6 warns that “[y]ou shall not pervert the justice due to your poor

¹¹³ For a detailed consideration of the jurisdiction of the civil government as against the individual, the family, and the church, see Bern, *supra* note 4, at 116–24.

¹¹⁴ Contrary to the position of Keller and others holding his views, the civil government should not do anything and everything it can but should rather limit itself to its biblically defined jurisdiction. See *supra* note 104.

¹¹⁵ See *Deuteronomy* 1:16–17 (English Standard).

¹¹⁶ *Deuteronomy* 1:16–17 (English Standard).

¹¹⁷ *Exodus* 23:2–3 (English Standard).

in his lawsuit.”¹¹⁸ *Leviticus* 19:15 states that “[y]ou shall do no injustice in court. You shall not be partial to the poor or defer to the great, but in righteousness shall you judge your neighbor.”¹¹⁹

Commenting on *Deuteronomy* 1:16–17, Dr. Eugene H. Merrill writes:

[The judges] must render a just verdict (v. 16). Moreover, they must not be influenced by social status. The Hebrew idiom here (*lō' takkîrû pānîm*) means literally “do not regard faces,” that is, do not be impressed by the reputation or actual standing of parties who are subject to judgment. Indeed, such persons can be intimidating, so Moses went on to say to the judges, “Do not be afraid of the face of men” (*lō' tīgûrû mippēnē 'is*) (v. 17). One might even render the last phrase, “Do not be afraid of human faces [that is, of men],” for the next clause emphasizes that judgment belongs to God. Since he is absolutely sovereign and furthermore knows the true guilt or innocence of parties in judgment, he, not human litigants, is to be feared.

This suggests that fairness in judgment is a theological as well as legal matter. There may be the need for due process at the practical and human level, but the ultimate standard of righteousness and justice is that which inheres in the character of God himself. Therefore, when human capacity for equitable judgment reaches its limits, appeal must be made ultimately to God. Israel’s judges were to recognize this and conduct their legal proceedings in light of their accountability to him.¹²⁰

The Hebrew idiom used in this passage is indeed striking. Literally, humans acting in the role of the civil magistrate should “not regard faces” or “be afraid of human faces.”¹²¹ Rather, the civil magistrate must act justly and not show partiality.¹²²

¹¹⁸ *Exodus* 23:6 (English Standard).

¹¹⁹ *Leviticus* 19:15 (English Standard).

¹²⁰ EUGENE H. MERRILL, 4 *THE NEW AMERICAN COMMENTARY: DEUTERONOMY 70–71* (E. Ray Clendenen et al. eds., 1994) (ebook) (footnotes omitted).

¹²¹ *See id.* at 70.

¹²² Matthew Henry observes with regard to *Deuteronomy* 1:16–17:

Accordingly, biblical justice demands that all people be treated equally before the eyes of the law, regardless of wealth or lack thereof, status or lack thereof, etc. This does point to what is often referred to as a “color blindness” for the law.¹²³ Indeed, it is actually broader. Perhaps it would be more accurate to say that it points to a “status blindness” in the law. To act in accordance with justice, the civil magistrate must not be partial but rather must act justly by being concerned with people viewed as people created by the Lord God and bearing His image.¹²⁴ No status should cause the civil magistrate to favor one person over another in the application of justice.

In conducting themselves in this manner, human rulers are mimicking the Lord in how He rules His universe with justice.¹²⁵ As *Deuteronomy* 10:17 provides, “the Lord your God is God of gods and Lord of lords, the great, the mighty, and the awesome God, who is not partial.”¹²⁶ In the context of the Jew–Gentile racial distinction discussed previously, the New Testament writers assert this absence of partiality with God. For example, Paul in *Romans* 2:11 and Peter in *Acts* 10:34 both assert that “God shows no partiality.”¹²⁷ Therefore, in matters relating to racial and all other issues, the civil government must not show partiality. In other words, when seeking biblical justice, “do not regard faces.”¹²⁸

Judgment must be given according to the merits of the cause, without regard to the quality of the parties. The natives must not be suffered to abuse the strangers any more than the strangers to insult the natives or to encroach upon them; the great must not be suffered to oppress the small, nor to crush them, any more than the small, to rob the great, or to affront them. No faces must be known in judgment, but unbribed unbiased equity must always pass sentence.

MATTHEW HENRY, MATTHEW HENRY’S COMMENTARY ON THE WHOLE BIBLE 237 (Hendrickson Publishers, Inc. 1994) (ebook).

¹²³ See John Marquez Lundin, *The Call for a Color-Blind Law*, 30 COLUM. J.L. & SOC. PROBS. 407, 408, 437, 439 (1997).

¹²⁴ See *Leviticus* 19:1–2, 15; *Genesis* 1:27.

¹²⁵ After quoting *Romans* 1:18–32 and 13:1–7, Dean Tuomala states that “[a]s an agent exercising delegated authority, the magistrate must administer justice by the same principles that God dealt with all sin through Christ’s atonement.” Tuomala, *supra* note 1, at 232.

¹²⁶ *Deuteronomy* 10:17 (English Standard).

¹²⁷ *Romans* 2:11; *Acts* 10:34 (English Standard).

¹²⁸ MERRILL, *supra* note 120, at 70–71.

2. The Importance of Punishment and Restitution to Biblical Justice

Just as biblical justice requires that the civil government show no partiality, it also places great importance on punishment and restitution. Dean Tuomala writes of this important point in his article *Christ's Atonement as the Model for Civil Justice*: "Scripture characterizes Christ's death not only as a punishment but as a payment. Justice demands both. An offender deserves to be punished (retribution) and he owes payment (restitution) to the offended party."¹²⁹ In addition, Dr. Rushdoony notes that "[t]he principle of restitution is basic to Biblical law; it appears with especial prominence in laws under the sixth and eighth commandments, but it is basic to the purpose of the whole law. The 'eye for an eye, tooth for tooth' concept is not retaliation but restitution."¹³⁰

Numerous biblical examples could be given here.¹³¹ For example, *Exodus* 22:1 provides "[i]f a man steals an ox or a sheep, and kills it or sells it, he shall repay five oxen for an ox, and four sheep for a sheep."¹³² Further, *Exodus* 22:4 states "[i]f the stolen beast is found alive in his possession, whether it is an ox or a donkey or a sheep, he shall pay double."¹³³ The principle of restitution is presented in these verses, including the idea that multiples of restitution are required, varying with the facts of the situation. Finally, biblical justice also requires punishment, as noted above. *Deuteronomy* 25:1–3 provides for punishment generally:

If there is a dispute between men and they come into court and the judges decide between them, acquitting the innocent and condemning the guilty, then if the guilty man deserves to be beaten, the judge shall cause him to lie down and be beaten in his presence with a number of stripes in proportion to his offense. Forty stripes may be given him,

¹²⁹ Tuomala, *supra* note 1, at 227 (footnotes omitted) (citing JOHN CALVIN, THE INSTITUTES OF THE CHRISTIAN RELIGION and numerous Bible passages); *see also id.* at 231–32.

¹³⁰ ROUSAS JOHN RUSHDOONY, 1 THE INSTITUTES OF BIBLICAL LAW 272 (1973); *see also* TITUS, *supra* note 105, at 277–309.

¹³¹ H.B. CLARK, BIBLICAL LAW: A TEXT OF THE STATUTES, ORDINANCES, AND JUDGMENTS OF THE BIBLE 296–97 (American Vision Press 2010).

¹³² *Exodus* 22:1 (English Standard).

¹³³ *Exodus* 22:4 (English Standard).

but not more, lest, if one should go on to beat him with more stripes than these, your brother be degraded in your sight.¹³⁴

To illustrate, a man who stole another man's sheep and killed and ate it would be required to make restitution of four sheep to the man he stole from as per *Exodus* 22:1. Further, as per *Deuteronomy* 25:1–3, he would be punished by beating to the extent determined by the court but not to exceed forty stripes.¹³⁵

This principle of biblical justice is of particular importance to the issue of racial reconciliation specifically and reconciliation in general. “Without both restitution and retribution there is no satisfaction of justice, and therefore, no objective ground for reconciliation of parties to each other, or offenders to the community.”¹³⁶ Further,

A Christian view teaches that both the end ([here reconciliation]) and means (satisfaction of justice) are God-defined. Scripture teaches that God's glory and man's happiness (end) are the consequence of obeying God's laws (means). The retributivist's assurance that he can know what is truly good, and that the means are sufficient to that end, is based on the belief in revealed truth and in a God-governed world.

... [Accordingly], civil sanctions must include restitution (payment to the victim) and retribution (payment to the offender in cases of crime).¹³⁷

Christ's atonement provides the basis for “[t]he reconciliation of man to God[, which in turn] provides the exclusive basis for the reconciliation of man to man and for true community.”¹³⁸ Humans must be reconciled to

¹³⁴ *Deuteronomy* 25:1–3 (English Standard).

¹³⁵ To modern readers, corporal punishment in settings such as these sounds barbaric. However, modern prisons are by almost any measurement cruel, barbaric, and counterproductive. For more on the value of punishment and the biblical alternative of corporal punishment for crimes, see Jeffrey C. Tuomala, *The Value of Punishment: A Response to Judge Richard L. Nygaard*, 5 REGENT U. L. REV. 13 (1995).

¹³⁶ Tuomala, *supra* note 1, at 231.

¹³⁷ *Id.*

¹³⁸ *Id.* at 233.

God before they can be reconciled to each other. Then, when humans wrong one another, the “satisf[action of] the demands of justice . . . restores victims and expiates guilt thereby establishing a basis for reconciliation of the offender to his victim, the community and himself.”¹³⁹ Therefore, one of the primary roles of the civil government in the area of reconciliation in general and racial reconciliation in particular is providing for punishment and restitution.

3. The Centrality of Personal Responsibility in Biblical Justice

Another principle of biblical justice is individual or personal responsibility. *Deuteronomy* 24:16 states “Fathers shall not be put to death because of their children, nor shall children be put to death because of their fathers. Each one shall be put to death for his own sin.”¹⁴⁰ Numerous other passages note and apply this principle.¹⁴¹ In commenting on this principle in general and *Deuteronomy* 24:16 in particular, Dr. R.J. Rushdoony notes that:

It was once commonplace to kill an entire family for a father’s crime, or to punish a clan or tribe for the offense of one man. This was the premise of clan warfare and of feuding.

. . . .

Over the centuries, it has been common to punish and execute an entire family, or village, for the sin of one member.¹⁴²

The Code of Hammurabi provides an example of the approach of punishing innocent family members, specifically the son for the mistakes of the father, when it states:

¹³⁹ *Id.*

¹⁴⁰ *Deuteronomy* 24:16 (English Standard).

¹⁴¹ See, e.g., *2 Kings* 14:6 (noting that Amaziah killed the men who had killed his father king Joash “[b]ut he did not put to death the children of the murderers, according to what is written in the Book of the Law of Moses”); *2 Chronicles* 25:4 (noting the same); *Jeremiah* 31:29–30; *Ezekiel* 18.

¹⁴² ROUSAS JOHN RUSHDOONY, COMMENTARIES ON THE PENTATEUCH: DEUTERONOMY 397 (2008).

229. If a builder build a house for some one, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death.

230. If it kill the son of the owner the son of that builder shall be put to death.¹⁴³

Another example is the folklaw system of the Germanic peoples of Europe. According to Harold Berman, this system:

was part of a whole ideology, a whole world view, and that world view helps to explain not only its sensible features but also those which may not have been so sensible—for example, the marked differentiation of payments for the slaying of persons belonging to different classes, the enormous size of the payments in many cases, *the liability of kindred for wrongdoing regardless of their fault*, and the fixed tariffs for injuries regardless of the actual cost to the victim.¹⁴⁴

Just as the worldviews of the ancient Sumerians and ancient peoples of Europe led to a particular form of law and justice, the Christian worldview led to very different forms of law and justice, and a part of this is the rejection of familial, clan, or tribal guilt and responsibility. Biblical justice “insists on *personal* as against corporate responsibility. No relative of a guilty man can be punished for his sins,”¹⁴⁵ whether that be the sin of racism or some other sin.

4. The Limited Nature of Human Justice as Compared to God’s Ultimate Justice

As noted earlier, biblical justice demands punishment and restitution. In anticipation of all wrongs being made right by God’s ultimate and final

¹⁴³ THE CODE OF HAMMURABI §§ 229–30 (L.W. King trans.), <https://avalon.law.yale.edu/ancient/hamframe.asp> (last visited Mar. 23, 2023).

¹⁴⁴ BERMAN I, *supra* note 78, at 55.

¹⁴⁵ RUSHDOONY, *supra* note 142, at 399. Dr. Rushdoony also recognizes that this progression is not absolute. It can be reversed. “*Wherever Christianity is undermined, so too is responsibility; the return to paganism is a return to injustice.*” *Id.* at 400. See also Tuomala, *supra* note 1, at 235–39, for a discussion of how faulty views of Christ’s atonement leads to an undermining of this principle as well.

judgment, it demands that wrongs be made right to the extent possible by the judgment of finite and fallen human beings. But humans are not capable of dispensing justice in every way as God does. God is perfectly holy and righteous. He is all-knowing, all-powerful, and without limits. Humans, on the other hand, are finite and fallen. Humans and all human institutions can act only in light of limited knowledge and in the scope of limited power.¹⁴⁶ Accordingly, in many important ways, human justice is limited as compared to God's ultimate justice.¹⁴⁷

¹⁴⁶ Dean Tuomala discusses this concept as follows:

The civil magistrate's authority, as delegated from God and modeled on the atonement, is severely limited when compared to the practices of modern states. Contrary to conventional wisdom, the sphere of activities subject to state intrusion is limited by connecting law and morality. First, the state has no authority to criminalize acts that are not morally wrong. . . . Second, even though God's judgment is against all sin, including thoughts, the civil magistrate has authority only over conduct. Third, he has authority to criminalize only some kinds of immoral conduct. Even though all crime is sin (immorality) not all sin is to be punished as crime.

The principle of delegated authority places further strictures on the state. It has no institutional authority to establish or administer programs designed to change the character of offenders or potential offenders. . . .

. . . The modern state is notorious for neglecting justice [(its proper jurisdiction)] and appropriating the role of the church, a role for which the state is neither entrusted nor empowered.

Tuomala, *supra* note 1, at 232–33 (footnotes omitted). “Civil Government does not have jurisdiction to compel general love or affirmative expressions of love by an individual or group toward others.” Bern, *supra* note 4, at 124.

¹⁴⁷ It should be clearly understood that this Article is not arguing that human justice is in some way wholly distinct from God's justice. As has been a central theme of this Article, justice is derived from God's holy and righteous character. God's justice is therefore the standard of human justice. Human actions are only just to the extent that they comport with God's standard of justice. The point is instead that human beings are not God, and God has consequently entrusted them with a more limited scope for seeking to bring about justice. It is important to note here that God:

. . . does not conform to a principle of justice that exists independently of himself, but rather to the eternal personal attributes of his own character. Since his very character is just, all of his laws and ways reflect his justice. Justice is not the product simply of God's will, but rather of his unchanging nature.

For example, *Deuteronomy* 5:9 seems to state a principle opposite to the principle of personal or individual responsibility noted earlier from *Deuteronomy* 24:16. *Deuteronomy* 5:9 states “You shall not bow down to them or serve them; for I the LORD your God am a jealous God, visiting the iniquity of the fathers on the children to the third and fourth generation of those who hate me.”¹⁴⁸ Such a passage could be understood to indicate that human civil governments, following the model of God’s government of His world, should punish innocent family members in contravention of the principle of personal responsibility stated previously. However, this is incorrect and involves a confusion of the limited nature of human justice and God’s ultimate justice.

Dr. Rushdoony’s analysis of these two passages is most helpful in clarifying this. In his *Commentaries on the Pentateuch: Deuteronomy*, he writes:

The difference between the two texts, however, is an important one. *First*, *Deuteronomy* 24:16 forbids man, the state, or any human agency to punish innocent persons for some family member’s sins. *Second*, *Deuteronomy* 5:9 tells us that the *social consequences* of sin can endure for generations. There is no contradiction between the two laws. Sin is a personal act; God’s judgments can affect all of us, or generations of men.¹⁴⁹

God is wisely and justly governing His creation, and, as a part of that, He has decreed that actions have consequences, and not just consequences for the person committing the actions. This is an obvious truth in the world. The actions of parents have great impacts on their children, just as the actions of governments have great impacts on their citizens. Further, these impacts persist over time. God is able to justly account for all of these things in His judgment, but this ability is beyond the abilities of humans. Accordingly, human justice is limited to punishing and requiring restitution from *individual* people for *their individual* sins. Thus,

Tuomala, *supra* note 1, at 227–28. Humans then, to be just in their actions, must also conform to this standard established by God’s character, which is most clearly revealed in His law.

¹⁴⁸ *Deuteronomy* 5:9 (English Standard).

¹⁴⁹ RUSHDOONY, *supra* note 142, at 398.

Deuteronomy 5:9 makes revelation of how God providentially governs His world; however, in this instance, humans and human institutions should not attempt to mimic God but rather should limit themselves to the human justice described in *Deuteronomy* 24:16, which is all that such finite and fallen creatures can hope to achieve anyway.

This is a hard teaching as it is right and good to seek to correct injustice, and it is right and good to seek to right past wrongs. In fact, it seems to be a part of human nature to desire to see justice done and wrongs set to right.¹⁵⁰ However, as indicated above, this is another area where humans must seek what God commands to be sought (the proper ends) and the seeking must be done according to the procedures and within the confines that God proscribes (the proper means). Fallen and finite human beings are incapable of bringing about ultimate justice.¹⁵¹ Only God is perfect and infinite. Only God has universal and complete jurisdiction to set all wrongs to rights and correct all injustices. On the other hand, humans, as His creatures, have only the limited jurisdiction that He has given them, and accordingly, they can only right such wrongs and correct such injustices over which He has granted them the necessary ability and authority.

Another principle of biblical justice helps to illustrate this point. God promises that He will judge every action of every person throughout all time.¹⁵² All sin must be punished, either in eternal damnation or in Christ's atonement on the cross.¹⁵³ Therefore, God will punish every crime, including every murder.

¹⁵⁰ This is to be expected given that humans are made in the image of God. The fall may have marred that image, but it did not destroy it. Accordingly, there is a longing in most human hearts to see the wrongs and injustices brought about by sin to be set right.

¹⁵¹ For an excellent discussion of this issue from a secular perspective, see THOMAS SOWELL, *THE QUEST FOR COSMIC JUSTICE* (1999). Sowell in this book is not operating from a Christian worldview, but he does a fantastic job of making the distinction between human, or what he calls traditional justice, and ultimate, or what he calls cosmic justice. The book is helpful in many ways, including how it points out that people often talk past each other and fail to understand one another because they are using different conceptions of justice.

¹⁵² WESTMINSTER CONFSSION OF FAITH ch. XXXIII § 1 (Logos Rsch. Sys., Inc. ed. 1996); THE NICENE CREED, in RICK BRANNAN, *HISTORIC CREEDS AND CONFESSIONS* loc. The Nicene Creed (2001) (ebook) ("He shall come again, with glory, to judge the quick and the dead"); *Acts* 17:31; 2 *Corinthians* 5:10; *Ecclesiastes* 12:14; *Romans* 2:15–16, 14:10–12; *Matthew* 12:36–37; 1 *Peter* 4:5.

¹⁵³ WESTMINSTER CONFSSION OF FAITH ch. VI § 6, ch. VII § 5, ch. XI § 3, ch. XXXIII § 2 (Logos Rsch. Sys., Inc. ed. 1996); THE WESTMINSTER LARGER CATECHISM Q&A 89–90 (Logos

Not surprisingly, God's law takes murder very seriously,¹⁵⁴ arguably far more seriously than the American legal system currently takes it. God's law appears to require the death penalty for capital murder, for example.¹⁵⁵ It may be shocking to discover then that God has not entrusted the punishment of all murders to the hands of fallen and finite humanity. In fact, God's word specifically contemplates that there will be murderers who will escape human punishment and murders that will therefore go unpunished by human authorities. The requirement that there be two or more witnesses necessarily contemplates this.¹⁵⁶ There will undoubtedly be murders where there will not be two or more witnesses. God's law even provides a procedure in such settings.¹⁵⁷ This clearly illustrates the difference between God's ultimate justice and humankind's limited justice—God can clearly punish all murders (and other wrongs), but such sweeping abilities and jurisdiction are beyond finite and fallen humans and human institutions. Rather, they are limited (e.g., by the requirement of more than one witness) to punishing only those murders (and other wrongs) that are within their God-given abilities and jurisdiction.¹⁵⁸

Rsch. Sys., Inc. ed. 1996) (ebook); 1 *Thessalonians* 1:7–10; *Romans* 5:12–21, 9:22–23; *Hebrews* 9:22.

¹⁵⁴ See, e.g., *Genesis* 9:5–6 (English Standard).

¹⁵⁵ *Numbers* 35:30–34 (English Standard).

¹⁵⁶ This requirement of more than one witness to establish a matter is ubiquitous in Holy Scripture. See, e.g., *Numbers* 35:30 (stating this requirement specifically in relation to murder and the death penalty); *Deuteronomy* 17:6 (stating the requirement in the context of idolatry), 19:15 (stating this requirement in general without reference to murder); *Matthew* 18:16 (stating the requirement in the context of church discipline); 2 *Corinthians* 13:1 (stating generally that every charge must be established by two or three witnesses); 1 *Timothy* 5:19 (requiring that a charge against an elder should only be entertained if supported by the testimony of more than one witness); *Hebrews* 10:28 (English Standard) (“Anyone who has set aside the law of Moses dies without mercy on the evidence of two or three witnesses.”). This procedural limitation on human justice is illustrative of the difference between the scope of human justice and God's ultimate justice. It will necessarily leave crimes unpunished and wrongs unaddressed. By contrast, God is not so limited as He knows all facts and situations thoroughly and His word is true even if it is disputed by all of mankind. See, e.g., *Romans* 3:4 (New American Standard) (“God must prove to be true, though every person *be found* a liar. . .”).

¹⁵⁷ *Deuteronomy* 21:1–9.

¹⁵⁸ This would be a fruitful area for additional Christian scholarship. What constitutes a biblical witness? Does DNA evidence qualify? What about circumstantial evidence, does that rise to the level of a biblical witness? In other words, does this require “eye-witnesses”?

Thus, a biblical understanding of justice mandates that human governments should not attempt to take on the role of God Himself and insist on being able to correct every injustice and right every wrong throughout all time and history, a task at which they are doomed to fail anyway. Similarly, human governments should not attempt to prevent every harm or injustice from occurring, another task at which they cannot hope to succeed.¹⁵⁹ Instead, they should focus upon the suitably limited goal of providing the justice that they can in the areas that God has entrusted to them. They have their hands full with this noble and important role, and they should focus on that, doing their duty and trusting God for the rest. Only by doing this can the civil government hope to contribute to racial reconciliation in America today.

V. CONCLUSION

As noted in the introduction to this Article, many are beginning to lose hope that racial reconciliation is even possible in modern America.¹⁶⁰ This sad fact is perhaps particularly surprising given the enormous efforts undertaken by the civil government and others in modern times to solve racial issues and bring about racial reconciliation. However, this is not surprising when viewed in light of the biblical framework presented in this Article. It should not be expected that governmental and other actions undertaken apart from and without the benefit of the Gospel of the Lord Jesus Christ will be able to change human hearts and bring about the love necessary for true community and racial reconciliation. Further, it should not be expected that the civil government acting outside of its God-given role and jurisdiction can bring about even a good end, such as racial reconciliation. As *Matthew* 6:33 admonishes, “seek first the kingdom of God and his righteousness, and all of these things will be added to you.”¹⁶¹ Humankind must seek the ends God tells it to seek using the means which

Regardless, it seems likely that there are many people in American prisons today who would not be there if this biblical requirement of justice was followed.

¹⁵⁹ The futility of these tasks demonstrates the practical suitability of the Bible’s requirements. The futility, however, should not be thought of as somehow justifying the biblical requirements. Rather, the futility flows from the biblical requirements which, in turn, flow from the fallenness and finiteness of humankind and the way God has made the world.

¹⁶⁰ See Grady, *supra* note 13.

¹⁶¹ *Matthew* 6:33 (English Standard).

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He has commanded. Only then will all of these other good things, such as racial reconciliation, “be added to you.”¹⁶²

¹⁶² *Id.*

