

Can A Christian Support Immoral Legislation?

[Metro North Conference, May 16, 1977, Pewaukee, Wisconsin]

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The title of the essay assigned to me is: Can A Christian Support Immoral Legislation? I was given the following guidelines: The phrase 'immoral legislation' was defined by the committee as "legislation that permits something contrary to God's changeless moral will for man. The purpose of the essay is to help us understand the possibility of legislation enacted to carry out God's purpose for government in a corrupt society (to maintain outward decency and order) which may of necessity permit society to outwardly disobey God's moral will. Can the Christian in good conscience as citizen or civil servant support such legislation?"

When several of the brethren heard the title of this essay, they remarked: "That can be a one-word essay—just write a big NO!" Without giving consideration to the guidelines, that answer is the first one that comes to mind. The definition of immoral legislation would then be legislation which approves *in principle* what God forbids. To give wholehearted support to something which *in principle* approves what God forbids would be unthinkable. Immediately words of our beloved Savior come rushing to mind: "You are the light of the world. A city that is set on a hill cannot be hid. Neither do men light a candle and put it under a bushel, but on a candlestick, and it giveth light unto all them that are in the house. Let your light so shine before men that they may see your good works and glorify your Father which is in heaven." (Matt. 5:14-16) The Lord Jesus does not say "You ought to be the light of the world." Nor does He say "It would be nice if you were the light of the world." Clearly He says "You are the light of the world!" And with that the Savior is reminding us that He is counting on us. He is telling us that He has made us a light so that by word and example we are to be an influence for Him for good.

Certainly we know that in the highest sense Christ alone is "the Light of the world" And yet Jesus Himself calls His followers "lights". "Ye are the light of the world," "Let your light so shine:" The radiant apostle Paul many times calls the children of God "lights" who have an exciting purpose in life. "Ye are all the children of light." (I Thess. 5:5) "For ye were sometimes darkness, but now are ye light in the Lord; walk as children of light." (Eph. 5:8) "Do all things without murmuring and disputings, that ye may be blameless and harmless, the sons of God, in the midst of a crooked and perverse nation, among whom ye shine as lights in the world" (Phil. 2:14&15). Peter also reminds us of our exciting purpose in life when he says: "But you are a chosen people, a royal priesthood, a holy nation, a people belonging to God, that you may declare the praises of him who called you out of darkness into his wonderful light." (I Peter 2:9)

Natural man is a child of darkness stumbling blindly on to eternal damnation. To mankind groping in darkness God's children are to go with the Word of God and hold before their eyes Christ, the Light of the world. We do this not only by preaching the Gospel but also by living the Gospel. By our very lives we radiate the love and mercy of Christ and show the world what great things God has done for us. Day by day, wherever we are, we "show forth the praises of Him who has called us out of darkness into His marvelous light." We have no light of ourselves, but we reflect the light of the very Son of God, our precious Savior, who has come into our hearts with all the treasures of His love, grace, mercy and peace.

When we think of all this the answer to the question "Can a Christian Support Immoral Legislation?" certainly seems to be a resounding NO. How could anything immoral be a part of our lives, or how could we possibly support something immoral? Our guidelines, however, point us to the definition of "immoral legislation" as such legislation which refrains from punishing

every violation of God's holy law, and thereby allows what God forbids. To bring this into focus we might ask the question "Can a Christian oppose moral legislation?" For example, a good piece of moral legislation is introduced condemning cursing and with the provision of punishing everyone who curses with a mandatory jail sentence of 30 days. A Christian legislator may oppose it, not because in principle he approves of cursing, but simply because the law would be so far above the moral standards of the country that enforcing it would be impossible. It is possible that trying to enforce such a law could lead to disrespect for all laws and so to greater disorder and lawlessness. It is also conceivable that on the day on which this legislator voted against this bill, that evening in the church he would be involved in admonishing and disciplining a person who had reserved for himself the right to curse.

What about a Christian judge who grants a divorce on unscriptural grounds to an unbelieving couple that stands before him? By granting the divorce on grounds permitted by the state, he is, in effect, supporting those immoral laws although he certainly does not support it in principle. Is he thereby sinning? If we were to answer the question of our essay with a simple NO, would we be placing an undue burden upon his conscience? We must remember that God is not only ruling His Church but He is also ruling the world and He also uses Christianity to do that. Not only is His Church a divine ordinance, the government is also a divine ordinance (Romans 13). We must keep a clear distinction between the role of the church and the role of the state. In pointing out that the function of each must be kept separate and yet that both are ordinances of God, Dr. Martin Luther thought of the church as the right hand of God and of the state as the left hand of God. With His right hand God establishes and rules the Church. With His left hand God reaches into this world which He has created and wields the sword of power. As God makes use of instruments, fallible men, to move His right hand through the Gospel, so also He makes use of human agents to move His left hand, to keep order by Law in the world.

Both God's left hand and His right hand enfold the Christian. The believer lives under the care of both hands, In the church we live under His right hand in a "kingdom not of this world" (John 18:36) and with our "citizenship in heaven" (Phil. 3:20). At the same time we are under the left hand of God in the world, under the authority of municipal, state and federal governments. But we do not live a split personality existence. Both hands are God's hands. God is Lord both of church and state. Between these two arms we have a perspective from which to see both church and state as servants of God's purposes. We have duties and obligations toward both. We must be careful not to confuse church and state and place an undue burden upon anyone's conscience.

Therefore before we can give an answer to the question "Can a Christian Support Immoral Legislation?" we must have a good understanding of the scriptural principles of church and state, God's right hand and left hand, of their proper functions, their means and their proper relation to each other. Therefore I would like to read the 16 theses on Church and State in the wording in which they were accepted by those in attendance at the October, 1970, sessions of the Evangelical Lutheran Confessional Forum. These were printed in the *Wisconsin Lutheran Quarterly* in January 1971. (Vol. 68. No. 1 pages 62-64) These theses were also reviewed, expanded on and applied by Prof. Carl Lawrenz in an essay "Scriptural Principles As They Apply to Laws Governing the Schools of our Synod" delivered to the District Board for Parish Education Chairmen's Conference on February 8, 1977.

Introduction

1. Ever since man fell into sin and brought God's temporal and eternal wrath upon himself, life here on earth is to serve as a time of grace. In providing a time of grace for man, God uses both the church and the state, yet each in its own way.

The Church

2. The church is the spiritual body of all those whom the Holy Spirit through the Gospel has brought to faith in Christ as their Savior. The marks by which the presence of the church is recognized are the means of grace, the Gospel in word and sacraments. In a wider sense the designation of church is therefore applied to those who profess Christian faith by being gathered about the Gospel word and the holy sacraments, Only in this way can we deal with the church here on earth as distinguished from the state.
3. The only task, or function specifically entrusted to the church is that of proclaiming the Gospel, the whole counsel of God in Christ, to men for their salvation. To the unregenerate the church is to proclaim the Gospel, the whole counsel of God in Christ, in order to make disciples of them, i.e., that through its testimony the Holy Spirit may bring more and more sinners to saving faith in Christ. To those who have already come to faith, the church is to continue to proclaim the Gospel, the whole counsel of God in Christ, that they may be built up in Christian faith, joy, comfort, understanding, hope, and a sanctified life.
4. The means with which the church is to carry out its one entrusted task, or function, of bringing sinners to salvation for time and eternity are the Gospel, and together with it the entire word of God, and Holy Scriptures. In proclaiming any part of God's word to men the church is to keep it in close relation to the central message of pardon and salvation in Christ. Only in this way will the testimony of the church remain a part of the one task, or function, assigned to it.
5. As far as the unregenerate are concerned, the only express purpose for which the church is to proclaim the Law to them is that of bringing them to the knowledge of their sins and of thus preparing them for the comforting proclamation of the Gospel. Though in some the church's preaching of the Law may effect mere outward reform and civic righteousness, this is a byproduct and not a part of the church's mission.
6. To those who have already come to faith in Christ the church is to preach the Law as a mirror, curb, and guide, yet only in the interest of the edification of believers in Christian faith and life. The preaching of the Law cannot, of course, effect anything positive; yet it is necessary because of the Christian's Old Adam.

The State

7. To serve in the gathering of the church of believers among sinful, depraved mankind during this time of grace the Lord has made provision that a measure of outward decency, peace, and order be established and maintained. Establishing and maintaining such outward peace and order (civic righteousness) is the specific task, or function, of human government.
8. The state, as designating all human governmental structure and authority beyond the home, is a divine institution. No specific kind of government is prescribed by God, nor any specific manner of establishing it. We owe obedience to the government that is actually in control over us and whose benefits we are enjoying. With threats of punishment the state, or government, is to check and restrain the evil desires of the wicked, so as to prevent crime and violence. On the other hand, government is to protect the law abiding, that they may be

benefited. To that end it is also empowered to make the regulations in purely earthly and secular affairs which it deems necessary and beneficial.

9. The means which God has given to human government for carrying out its specific function of maintaining civic righteousness are summed up by our Lutheran Confessions as “human reason.” This embraces the full scope of the abilities and endowments which according to Scripture belong to natural man and which are sufficient for maintaining a measure of civic righteousness.
10. “Human reason” includes the inscribed Law, conscience, and also the natural knowledge of God gained from the things created. When government, therefore, enlists these forces as means for promoting and maintaining civic righteousness in its legislative, executive, judicial, and educational functions, it is still within its realm and using its God-entrusted means.
11. In carrying out its specific functions government is not to be interested in motives as to their spiritual value before God, but merely as to their effectiveness in promoting certain outward deeds which foster civic righteousness and in restraining others which hinder it.

Church and State Relations

12. A confusion of state and church takes place when either state or church presumes to perform any part of the function which God has assigned to the other.
13. Church and state are also confused when the church seeks to do its work, perform its function, through the means of the state; or when the state DIRECTLY undertakes to do its work through the means which the Lord has assigned to the church.
14. The individual Christian has been placed both in the realm of the church and of the state. In carrying out his responsibility in either realm he will do so in accordance with its distinctive functions and means. As he participates in the functions of the state he will, however, do so with Christian motivation and with his additional Scriptural insights concerning God’s holy will.
15. A confusion of state and church does not necessarily take place when both participate in one and the same endeavor, but each participates in this endeavor only in the sphere of its own function and restricts itself to its own means.
16. Actions and decisions in those church and state contacts and relations which are adiaphora in themselves, call for very cautious and discerning judgment in order that in the handling of these adiaphora neither the interest of the church nor the state may actually or eventually suffer.

Note well the difference in function or the task between church and state. The task or function of the church is to proclaim the Gospel, the whole counsel of God in Christ, to men for their salvation (Matt. 28:18-20; Mark 16:15; Luke 22:19,20; Luke 24:47) It is the task of the state to establish and maintain outward decency, peace and order. (Rom.13:1-7; 1 Tim. 2:2).

There is a difference in the means that God has given to each to carry out its respective function. The means given to the church to use is the Gospel, and together with it the entire Word of God, the Holy Scriptures. Our Lutheran Confessions make it clear that the only means given to the state to carry out its function is “human reason.” Remember “human reason” includes a portion of the inscribed law and the voice of conscience.

It is well to remember that in the church we are dealing with sanctified Christians who respond to the Gospel of Christ. In the state we are also dealing with those who reject the Gospel

and are not motivated by it all, but have rejected it, turned their backs to it. In the state we are dealing only with man's reason in attaining and maintaining civic righteousness.

Let us now apply these principles to immoral legislation that faces a Christian. Before it becomes a law it must be brought before the legislative body. It is introduced as a bill to be acted upon by the legislature. Perhaps a referendum is desired and held. Here is the place for the Christian to voice his conviction. Our legislators are anxious to know how you feel. Write to them! Vote on the referendum! If there is a referendum on abortion, let them know that you oppose it. Our legislators will be using "human reason" to make their final decision, and rightly so. Their "human reason" will be guided in part by what the people want, by what they will accept. We should let them know what our Christian principles are. That may often be as far as a common citizen can go in supporting or opposing any kind of legislation.

A Christian legislator must vote on the proposed law. He recognizes that the task he has is to establish and maintain outward decency, peace and order. He would like very much to have the will of His God be the law of his land. But he realizes that also such people are to be controlled who have rejected the Gospel of his Savior. He must use "human reason" in making his final decision to vote for or against immoral legislation as to its effect upon the maintenance of order and decency although he will certainly do so with Christian motivation.

Personally, it would be most difficult for me to vote for immoral legislation. It would be difficult for me to be convinced that anything but God's moral will is the best for the people. And yet I must admit that even an improper law is better than anarchy. I could not condemn any Christian legislator who uses his sanctified Christian judgment and comes to the decision to support immoral legislation, that is, not approving in principle anything contrary to God's moral will, but refraining from punishing every violation of God's holy law. Think of the time King David did not carry out the death penalty against Joab for treacherously murdering two loyal captains, Abner and Amasa. At the time David had not been king long enough to have a firm control of his nation. To have executed Joab then would have caused great harm to Israel. David's "human reason" told him that was not the expedient time to do it. Later he instructed Solomon to make sure that Joab was punished. (2 Sam, 3:27; 20:10; 1 Kings 2:5f.)

Here are some thoughts from an essay in *The Abiding Word* (Vol. 1, p. 516f) titled "Civil Government." "In carrying out its legislative, judicial, and executive functions government must follow the Natural Law as it is still inscribed in the hearts of natural man, and the dictates of reason, experience, and common sense."

"Experience teaches that it is worse than useless to legislate far ahead of public opinion. It is a hopeless endeavor to try to raise the moral standard by mere legislation. In a state where just and unjust live side by side, where Christians are in the minority, where the natural aversion to legal coercion is unrestrained in the general public, the enforcement of a high moral standard is often impossible. Even in the commonwealth of Israel, Moses was obliged to permit a marriage to be legally severed by a divorce, the rightfulness of which was not sanctioned by the Moral Law of God. "Moses," says Christ, "because of the hardness of your hearts suffered you to put away your wives; but from the beginning it was not so." (Matt. 19:8). Enforcement of a moral standard by legislation upon a people simply not willing to adopt that standard will only work harm. People will seek ways and means of evading the law, look for loopholes, will try to bribe judges, and often succeed, and so this legislation, good as it may be in itself, *will only breed and foster still greater contempt of all laws, produce lawbreakers.* (emphasis mine) The best legislation in a commonwealth composed of good and evil people will demand a standard of

morality above the general level of the populace, but not so far above as to make its enforcement impossible in that particular community.”

Prof. John P. Meyer has this to say in an article on “Church and State” published in the *Theologische Quartalschrift* (Vol. 25. No. 3. p. 196 July 1928) “Applying these truths to our own situation: We are Americans by the will and operation of God, and we are by the will of the same God to use American institutions. Every Christian may freely enjoy the “life, liberty, and pursuit of happiness” guaranteed to him by the Constitution. Every Christian may seek and hold any office in our land, and will then discharge the duties of his office so that thereby the general welfare will be promoted according to the intentions of the Constitution. He will be guided in his official acts, not by any Christian considerations or principles, but simply by the laws of the land passed and enforced for the purpose of managing the affairs of the country for the best interests of all concerned This he will do, not out of disregard for God’s Word, but in the very performance of his obedience to it, carrying out the admonition of Paul to be subject to the higher powers for conscience sake. As an official of the government he may do many things for the sake of external order and tranquility in the land, which as a Christian he would not sanction, As Moses in the name of God on account of the hardness of the human heart granted other causes for divorce than those approved by God, to the end that greater disorder, scandal, and bloodshed, might be averted, so a Christian judges to use the same illustration, may grant divorces which as a Christian he must condemn. Similarly, a Christian legislator may with clear conscience advocate the passage and enactment of marriage and divorce laws which the Church can never approve as standard for its members.”

Civil government deals with men not in the spiritual, but in the temporal, worldly sphere and is therefore guided in its work not by Scripture, but by reason. “For civil government deals with other things than does the Gospel. The civil rulers defend not minds, but bodies and bodily things against manifest injuries, and restrain men with the sword and bodily punishment in order to preserve civil justice and peace.” (A.C. Art. XXVIII, 11 Triglot, p. 85).

A Christian legislator, or any Christian for that matter, will never lose sight of the fact that if the government strays too far from God’s moral law and permits what God forbids, that community is inviting judgment. We need only think of Sodom and Gomorrah.