

# The Gospel and the Rule of Law

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# Two Views of Government

“Between a tyrant and a prince there is this single or chief difference, that the latter obeys the law and rules the people by its dictates, accounting himself as but their servant.”  
(John of Salisbury, 1159)

## Tyranny

- Might makes Right
- The King makes the rules but doesn't have to obey the rules
- The King represents God(s) to the people

## Rule of Law

- Might serves Right
- The rules make the King, who has to follow the rules
- The Church represents the people to God



# The Rule of Law in the Old Testament

- Hostility to tyranny and to Empire (Egypt, Assyria, Babylon)
- Clear rules, understood and applied by the community given in the Law of Moses
- Kingship within a framework of law (Deuteronomy 17:14-20)
- Prophets as a free press, holding kings to account (e.g. Nathan/David 2 Sam. 12, Elijah/Ahab 1 Kings 21)
- Constant opposition to rulers claiming absolute power (Moses, Elijah, Jeremiah, Daniel)

# Corruption, Injustice, and the Death of Jesus

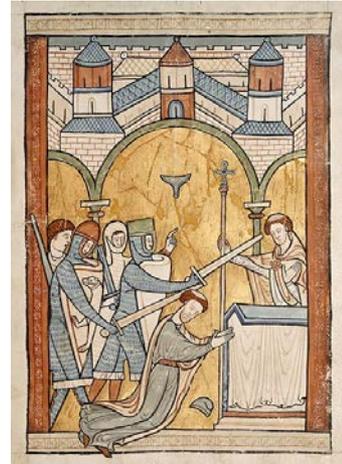
- Trial of Jesus by the High Priest because it took place at night and in secret
- Verdict was passed despite due process not being followed – could not find two witnesses whose testimony agreed (Matt. 26:60)
- Trial of Jesus by Pilate resulted in Pilate declaring that Jesus had committed no crime under Roman law (John 18:38, 19:4, 6)

# The Rule of Law in the Early Church

- Lord of Lords, Son of God, Saviour – all these were political titles. Christians applied these to Jesus; and refused to apply them to the Emperor
- “Give to Caesar the things that are Caesar’s, and to God the things that are God’s” (Matt. 22:21)
- Rulers are God’s servants to do good to their people (Romans 13:4)
- Martyrdom as a witness that the Empire’s power is limited
- Ambrose forcing Emperor Theodosius to do penance

# The Rule of Law in the Middle Ages

- John of Salisbury (1159)
- Death of Thomas à Becket (1170)
- Penance of Henry II (1174)
- Magna Carta (1215)
- Fourth Lateran Council (1215)
- Henry de Bracton (1235) “The king must not be under man but under God and under the law, because the law makes the king”
- Thomas Aquinas insisting kings are subject to natural law and to God’s laws
- Canon law providing a model of the rule of law



# The Reformation and the Rule of Law

- Early modern kings (in France, Spain and England) claiming their divine right to rule gave them absolute power
- Calvinists in France, the Netherlands, and Britain insist that the king is only the king so long as he obeys the law and serves the people



# The Rule of Law and Freedom

Freedom of religion is the first freedom

- Freedom of religion leads to freedom of association, freedom of speech, freedom of education, freedom of the press, freedom of marriage

The Rule of Law means the law is put into practice; subjects can know when they will be punished if they break the law and know that others will be punished if they commit crimes against them. This leads to:

- Freedom of property
- Right to life and to bodily integrity
- Economic freedom



## Further Reading

- Vishal Mangalwadi, *This Book Changed Everything: The Bible's Amazing Impact on our World* (2019)
- <https://worldandeverything.org/2020/02/listening-in-vishal-mangalwadi/>
- John Witte, *The Reformation of Rights* (2008)
- Jonathan Chaplin and Nick Spencer (eds.) *God and Government* (2009)
- David McIlroy, 'How is the Rule of Law a Limit on Power?' (2016) *29 Studies in Christian Ethics* 34-50

# Questions

