



## The Abuse of Law

LAW IS THE MEANS by which God mediates his presence to the prehuman universe, both inanimate (nonliving) and animate (living). God also employs law to mediate his presence to mankind (male and female) during its historic transition from animal to human. When we come to “human” reality, however, we encounter a new phenomenon that law cannot mediate. Law is command, but relational human personhood is not commandable.<sup>1</sup> Human values, meaning and attributes — such as faith, hope, compassion and commitment — cannot be imposed. Therefore, because law cannot reach to the realm of the truly human, God has acted to establish his presence with humanity through a new Mediator — the personhood of the risen Christ.<sup>2</sup>

This raises a fundamental question. If God indeed is present and, if he mediates his presence through law and his own personhood, why has society become increasingly corrupt, violent, desperate and destructive? Does the answer to this question lie in the view that our race has approached the point of global suicide as a consequence of the biblical Creation and Fall of man’s first parents, so that we now confront God’s imminent invasion of our world in judgment? Or should we, as

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responsible humans, answer that the present developments in society are the consequence of our own abuse of law in man’s historic journey toward a fully human destiny?

Even apart from the failure to acknowledge the personal responsibility associated with being truly human, the basic assumptions of the first answer encounter insurmountable difficulties in light of the uncommandable nature of human personhood. While forthcoming articles will further consider the “fiat Creation of man,” the “Fall of man,” and “God’s judgment upon man,” we here will make three brief observations.

1. If God had created “Adam” and “Eve” by command, then they could not have been uncommandable human persons. Thus, we cannot assume the fiat creation of a race that was initially fully human.

2. If God had expelled “Adam” and “Eve” from the Garden for disobeying a command, then, again, they could not have been uncommandable human beings. The assumption that perfect humans “fell” through disobedience to God’s command is wholly incompatible with being truly human in the first place.

3. If God were to return in judgment to impose sentence for good or ill upon mankind, then man could not have become uncommandably human. Clearly, such a “judgment” of command upon uncommandable humans would be fundamentally inhuman.

Thus, in light of the true nature of human personhood, we conclude that our most basic Judeo Christian assumptions regarding the Creation, Fall and judgment of man can no longer be sustained. We are left, then, to consider another reason for the present developments in society — that they are the consequence of our own abuse of law in man’s historic journey toward a fully human destiny.

### Man’s Legal Journey through History

The evidence indicates that, about the second or third millennium BCE, God replaced a hallucinatory “god-consciousness” in the mind of man with a consciousness of law.<sup>3</sup> By both “god-consciousness” and “law-consciousness,” God intended to convey to man a sense of divine presence.

For centuries the prophetic witness reminded mankind that God was present. The prophets were prophets of the law. In the prophetic era God’s presence was mediated through the consciousness of law. This consciousness of law — an objective mediator thereby associated with an awareness of God as its objective, “outside-of-me” Author — gave man greater identity and freedom than he had experienced under an “immediate” god-consciousness that was indistinguishable from God himself.<sup>4</sup>

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However, while man gained the consciousness of law, he wrongly rejected the accompanying consciousness of God’s presence, which law was intended to mediate. This reliance on law in the imagined absence of its divine Author led, in time, to the enunciation of what is known as “natural law.” Though initially viewed as a creation of God, such law was seen as implanted in man’s nature, existing as an innate possession rather than as the objective mediator of God’s presence.

The Roman statesman and orator, Marcus Tullus Cicero (106-43 BCE), articulated “natural law” when he stated:

There is in fact a true law — namely, right reason — which is in accordance with nature, applies to all men, and is unchangeable and eternal. . . . Neither the Senate nor the People can absolve us from our obligation to obey this law, and it requires no Sextus Aelius to expound and interpret it. It will not lay down one rule at Rome and another at Athens, nor will it be one rule today and another tomorrow. But there will be one law, eternal and unchangeable, binding at all times upon all peoples; and there will be, as it were, one common master and ruler of men, namely God, who is the author of this law, its interpreter, and its sponsor.<sup>5</sup>

This passage from Cicero simply reflected the views of Stoicism, a school of Greek philosophy founded by Zeno about 308 BCE:

For Stoicism the natural law was appropriately called “natural” in at least four senses.

For one thing, [to the Stoics] it is known naturally. To recognize the basic precepts of natural law it is not necessary to enroll in an ethics course or to engage in long trains of abstract reasoning. Rather, moral knowledge is innate or self-evident, available to all normal and mature humans.

Second, [to the Stoics] it is natural in that it applies to all humans by virtue of their nature, not by virtue of their being citizens of Rome, Athens, New York, etc.

Third, it governs human nature, directing it to its true end. For the Stoics this end was the possession and activity of the virtues, above all the cardinal virtues of wisdom, justice, courage, and self-control. Life in accord with nature therefore is the life of virtue.

Finally, this law ultimately derives from God, who, according to the Stoics, is both the author of nature and its indwelling soul. Hence to call the moral law natural is another way of saying it is God’s law. . . .

Stoicism’s idea of natural law represents in many ways the essence of classical humanism. It was an idea that molded Roman law, culminating in the great code of Justinian. When, early in its history, Christianity embraced the theory of natural law, it was thus also embracing both classical humanism and the Roman legal ideal.<sup>6</sup>

For 1,500 years the Christian church held to the Greco-Roman ideas of indwelling law and the consciousness of law created by God but mediated to mankind by the presence and divine right of kings, pontiffs and priests. Then, in the 16th century, this fundamental Christian view was challenged by Protestantism. In essence the Protestant Reformation said that, because natural law was created by God and is both indwelling and accessible to human consciousness, man is therefore subject to law only through the mediation of the individual himself (“the priesthood of all believers”) rather than through the mediation of hierarchy.<sup>7</sup>

This view of Protestantism quickly led to the conviction that man is autonomous (self-governing) — that he is or possesses his own individual law entirely apart from God’s presence or the presence of God’s representatives on earth. The resulting concept of human freedom as a manifestation of man’s innate possession of law was a pillar of the 18th-century Enlightenment.

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Among “progressive” types it increasingly became an agreed-upon truth that morality is a human construction, not a transcendent law. Those of an anthropological bent saw it as a social construction; those of a more romantic turn of mind saw it as the construction of gifted individuals. But in either case it was a human invention, not a human discovery of a divine invention.

Now this was all very well as long as it was a sport engaged in by the playful Victorian gentry. Such gentlefolk might adopt a theory that says “Anything goes,” but their social breeding was far too fine, too well-mannered, for them to carry it to anything like its logical conclusion. Soon, however, the theory was taken up by plebeians, who lacked the benefit of “good breeding” to restrain them; and eventually by virtual sociopaths, who were restrained by nothing at all. You know the rest of the story: it is told in the history of twentieth century totalitarianism and mass murder.<sup>8</sup>

“Almost 170 million men, women, and children have been shot, beaten, tortured, knifed, burned, starved, frozen, crushed, or worked to death; buried alive,

drowned, hanged, bombed or killed in any other of the myriad ways governments have inflicted death on unarmed, helpless citizens and foreigners,” writes University of Hawaii’s Prof R. J. Rummel, author of *Death by Government*.

No other century has seen a slaughter of such magnitude, Prof Rummel concludes. “It is as though our species has been devastated by a modern Black Plague.”

Because reports are often sketchy and conflicting, and governments have been unwilling to admit such monstrosities, the toll may be as high as 360 million, he says. . . .

What largely is responsible for the death toll, says Rummel, “is the belief in power as tool. . . . In this century there has been a concerted attempt to use power to change societies in ways never thought of in the past.

Add deaths to combatants in wars — about 38 million, says Rummel — and the minimum 20th century government-triggered death toll far exceeds 200 million. . . .

Rummel coins a new word — democide — for governments’ mass murders. His accounting covers the first 88 years of the century, so it does not include massive death tolls in government-inspired genocides and starvations in Bosnia, Somalia, Sudan, Rwanda and other African countries.<sup>9</sup>

The questions always come up: . . . Why the holocaust in Europe? Why the genocide in Bosnia? Why the genocide in Rwanda? What we are talking about here is evil, . . . it’s wholesale murder of the masses! Whatever one wants to call it, it is evil — “There are no devils left in Hell!”

And in our own time we have never seen such a sudden burst of evil as we have now seen in Rwanda. We cannot call it animal. It is far worse than that. Animals do not kill their own species in such numbers: over a half-million people slaughtered in just two months. These atrocities cannot be blamed on animal instinct. What we are seeing is distinctly human and distinctly evil. . . . It is part of the human condition.

. . .

Lest you believe that evil is only in Nazi Germany or Rwanda or Bosnia, think of our own society. The capacity for evil is in all of us wherever we live. Our cities have become a battleground. Without order, they could easily become a Rwanda. The Ku Klux Klan practices racial violence. Abuse within many homes is rampant. And we, too, could erupt in violence given extreme circumstances.

Yes, there is deep sickness within our society too. I believe we are capable of the kinds of atrocities we read about. Beware of the evil that is within us all. It is the human condition.<sup>10</sup>

This “evil” is the evil of modern man, who believes all knowledge to be self-evident . . . who believes that he possesses all knowledge in himself . . . who regards himself as wholly autonomous (self-governing) . . . who believes himself to be god . . . who believes that he is above the law . . . who believes that he controls the law . . . who believes that authority and power belong to him alone.

In the face of this evil, it is now clear “that the pure autonomous ego of the Enlightenment is an illusion.” “Logocentric reason [inevitably leads] to totalization and oppression.” Unfortunately, so-called “critical theory,” which seeks to “resuscitate Reason,” and “deconstructionism,” which “attempts to bury logocentric reason,” both fail to grasp any answer to evil.<sup>11</sup> Meanwhile, on the fringes of society, the attempts of fundamentalism to impose its laws of imagined self-evidency on others also are destined to failure.

## Conclusion

At the beginning of this article, we noted that law is the means by which God mediates his presence to the prehuman

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universe as well as to mankind during its historic transition from animal to human. However, law is unable to mediate mankind's "human" destiny. While law is command, relational human personhood is not commandable. Human values, meaning and attributes — faith, hope, compassion and commitment — cannot be imposed. It is because law cannot reach to the realm of the truly human that God has acted to establish his presence with humanity through a new Mediator — the personhood of the Risen Christ.

After tracing man's legal journey through history, it is our conviction that the only way to salvage law and obedience to law in its proper realm is to go beyond law to the mediation of human personhood. Through his own resurrection to personhood 2,000 years ago, One is with us who can grant deliverance from the unbridled tyranny of autonomous, power-crazed man. One is present with us who is able to fully transform mankind to true humanity.

## Summary

Global disregard for law and the rule of law has led, in our time, to unspeakable corruption, violence and destruction. However, this development is not the consequence of the biblical "Fall" and "original sin" of our first parents, nor is it a sign of God's imminent invasive "judgment." Rather, it is a consequence of our own abuse of law in man's historic journey toward a fully human destiny.

The Greco-Roman view that moral law and knowledge are innate or self-evident was adopted by orthodox Christianity. Fifteen hundred years later, the Protestant Reformation declared that the sole right to interpret moral law, lodged in human reason, was left to the believer himself. Soon secular humanism appropriated the primacy of reason and fashioned the concept of the autonomous (self-governing) man. Law was no longer the "human discovery of a divine intention" but simply a human invention. Man then was captivated by the notion that "Anything goes." As a result, "sociopaths, who were restrained by nothing at all," launched a century of totalitarianism and mass murder.

At the end of a blood-soaked century, it is clear that the autonomous ego of the Enlightenment is a monumental delusion. However, the answer at this time of crisis is not to either recover autonomous reason ("critical theory") or bury human reason ("deconstructionism"). Neither is the answer to return to a predatory fundamentalism, which seeks to dominate

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society by reimposing its own self-conceived morality. Rather, the answer is to embrace the Risen Christ and his mediatorial presence with us in human personhood. By his presence he upholds the proper role of law and also assumes both precedence and transcendence over law. Only the Risen One can soothe the passions of mankind and transform man's raging bestiality into true and full humanity.

The real source of hope for humanity [is] not in the proximate miracles of change in human awareness and behavior, wonderful as they are, but in the ultimate miracle of God's enduring love of the world. Jesus Christ is both rebuke and promise, judgment and mercy — the incarnate paradox of Power who rules the world in the miraculous might of vulnerability.<sup>12</sup>

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## Endnotes

1. See Viktor E. Frankl, *The Unconscious God: Psychotherapy and Theology* (New York: Simon & Schuster, 1975); cf. "The Destiny of Man," *Outlook* (Prolepsis 1995.1).
2. See Matthew 28:20.
3. See Julian Jaynes, *The Origin of Consciousness in the Breakdown of the Bicameral Mind* (Boston: Houghton Mifflin Co., 1980).
4. See *ibid.*
5. David R. Carlin, Jr., "Doing What Comes Naturally: A Return to Foundations," *Commonweal* 121, no. 18 (21 October 1994): 8, 9.
6. *Ibid.*
7. See *ibid.*
8. *Ibid.*
9. John Omicinski, review of R. J. Rummel, *Death by Government*, in *USA Today*, n.d.
10. Donald C. Mullen, "No Devils Left in Hell," *Princeton Seminary Bulletin* 15, no. 3 (New Series, 1994): 283-286.
11. James H. Olthuis, reviews of *Habermas, Modernity, and Public Theology*, edited by Don S. Browning and Francis Schussler Fiorenza (New York: Crossroad, 1992), and *Negation and Theology*, edited by Robert P. Scharlemann (Charlottesville, VA: University Press of Virginia, 1992), in *Calvin Theological Journal* 29, no. 2 (November 1994): 550-553.
12. B.J.S., "Maybe Another Miracle," *Institute for Servant Leadership* 8, no. 1 (January/February 1991): 1, 2.

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