

Published as “Foreword,” to Zachary Calo, Joshua Neoh and Keith Thompson, eds., *Christianity, Ethics, and the Law: The Concept of Love in Christian Legal Thought* (London: Routledge, 2023), xi-xiii

### **Abstract**

This brief foreword introduces a collection of fresh essays the interactions of law and love, justice and mercy, rule and equity in the Western tradition from biblical times until today.

**Keywords:** law, love, justice, mercy, Bible

### **Foreword**

This impressive volume probes several hard dialectics that have occupied Christianity from its biblical beginnings – law and Gospel, justice and love, rule and equity, coercion and charity, punishment and mercy, discipline and forgiveness. A dozen highly distinguished and rapidly emerging Australian and American jurists have teamed up to parse these dialectics, partly in conversation with the sages of the Western Christian tradition. Put in the dock for investigation are familiar Christian titans -- Saint Paul and Saint Benedict, St. Augustine and Thomas Aquinas, Martin Luther and John Calvin -- each of whom parsed these dialectics with alacrity and enduring acuity. Later chapters also introduce several more recent voices -- Joseph Smith, Henry Sumner Maine, Emmanuel Levinas, Alasdair MacIntyre, John Milbank and others -- who offer new insights into these dialectics, based in part on new canons, in part on fresh interpretations of older sources. The chapters range widely across the specialized fields of law, theology, ethics, history, philosophy, anthropology, political theory, religious studies, and more, cultivating and harvesting many new insights.

One central premise of this volume is the biblical insight that law is at the heart of the Gospel, justice is at the center of love. Jesus made this clear in correcting those who regarded his message of salvation from sin and death as liberation from law and order: “Think not that I have come to abolish the law and the prophets; I have come not to abolish them but to fulfill them. For truly, I say to you, till heaven and earth pass away, not an iota, not a dot, will pass from the law until all is accomplished.” (Matt. 5:17-19) Jesus also made clear – to a lawyer, no less -- that law and love properly belong together:

[A] lawyer, asked him a question, to test him. “Teacher, which is the great commandment in the law?” And he said to him, “You shall love the Lord your God with all your heart, and with

all your soul, and with all your mind. This is the great and first commandment. And a second is like it, You shall love your neighbor as yourself. On these two commandments depend all the law and the prophets.” (Matt. 22:35-40)

What such biblical passages teach us is that law and discipline make possible love and community. Justice and judgment enable acts of charity and forgiveness. A civil “morality of duty” sets the baseline for a spiritual “morality of aspiration.” Our moral duties to neighbors and God ground our claims to civil rights and religious freedom.

A second premise of this volume is that Christians (and other people of faith) are by necessity dual citizens – occupying two paths, two cities, two kingdoms, two realms, two communities, one spiritual, one temporal. And as dual citizens, Christians come under two dispensations simultaneously – two forms of justice and morality, two orders of law and love, two powers or swords. To be sure, sometimes these spiritual and temporal communities and citizenships are closely aligned: think of medieval prince-bishoprics or Puritan New England towns. Sometimes they are sharply separated: think of the monks and the Amish. But usually these two communities and citizenships overlap in varying ways, requiring a person of faith constantly to balance the central commandments of law and love. And even in more integrated or separated communities, people of faith must always strive to strike these balances for themselves.

A final premise of this volume is that human beings are dualistic creatures, comprised of body and soul, flesh and spirit, sinner and saint. This is an ancient insight. The gripping epics of Homer and Hesiod are nothing if not chronicles of the perennial dialectic of good and evil, virtue and vice, hero and villain in the ancient Greek world. The very first chapters of the Hebrew Bible paint pictures of these same two human natures, now with God's imprint on them. The more familiar picture is that of Adam and Eve who were created equally in the image of God, and vested with a natural right and duty to perpetuate life, to cultivate property, to dress and keep the creation. The less familiar picture is that of their first child Cain, who murdered his brother Abel and was called into judgment by God and condemned for his sin. Yet “God put a mark on Cain,” Genesis 4 reads, both to protect him in his life, and to show that he remained a child of God despite the enormity of his sin. One message of this ancient Hebrew text is that we are not only the beloved children of Adam and Eve, who bear the image of God, with all the divine perquisites and privileges of Paradise. We are also the sinful siblings of Cain, who bear the mark of God, with its ominous assurance both that we shall be called into divine judgment for what we have done, and that there is forgiveness even for the gravest of sins we have committed.

Christians believe that it is only through faith and hope in God that we can ultimately be assured of divine forgiveness and eternal salvation. Christians further believe that it was only through a life of biblical meditation, prayer, worship, charity, and sacramental living that a person can hold his or her depravity in check and aspire to greater sanctity. But other traditions offer their own insights into the two fold nature of humanity, too, and their own methods of balancing the realities of human depravity and

the aspirations for human sanctity. Any religious tradition that takes seriously the Jekyll and Hyde in all of us has its own understanding of ultimate reconciliation of these two natures, and its own methods of balancing them in this life.

The authors herein offer insights into all three sets of dialectics – about law and love and their variants; about temporal and spiritual communities and their authorities; and about our sinful and saintly human natures and their reconciliation. And it is the combination of these insights that gives these chapters new three-dimensional insights into old questions. How do states and churches balance the civil and spiritual uses of the law? How do we heal the wounds of sin and crime? How do we balance punishment and forgiveness, difference and equality? How do we pursue happiness in the face of hardship? What is the role of law in the church and attendant religious communities? What does love command of us in public life, in political discourse, in jurisprudential inquiry? How do we move ourselves and our communities from contract to covenant, from coercion to persuasion, from retribution to reconciliation?

These are the big questions of this volume. In addressing these questions, the authors reflect both the hard-nosed realism of seasoned lawyers with the faith-based imagination of sincere believers. The authors toe no party line, herd no sacred cows, and trade in no naïve nostalgia. Several perspectives come through in these pages. St. Paul, Martin Luther, and other titans take several hits. And the romantic idealism of some modern Christian integrationists, chiliasts, and communitarians is (mercifully) absent. This is rigorous law and theology scholarship of a rare and refined sort.

John Witte, Jr.  
Director, Center for the Study of Law and Religion  
Emory University