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THE EDUCATIONAL VALUE OF LAW AND RELIGION

by John Witte, Jr.

John Witte, Jr. is the Jonas Robitscher Professor of Law and director of the law and religion program at Emory University. In 1994 he was selected Outstanding Educator by the United Methodist Foundation for Christian Higher Education. He was invited to deliver the annual banquet address at the Institute of Higher Education, sponsored by the Division of Higher Education, the National Association of Schools and Colleges of The United Methodist Church, and the Foundation. This paper is taken from that address.

Methodist and other Christian institutions of higher learning have come under attack in recent years. The cardinal Christian convictions and values which they embrace no longer command common consent. Exponents of multiculturalism challenge their basic theological and social assumptions. Proponents of globalization criticize their parochialism and cultural elitism. Advocates of political correctness reject their patterns of language and social order. Leaders of the technological revolution challenge their traditional scientific and pedagogical methods. First Amendment advocates reject their dependence on the aid and accommodation of the state. A radical fringe of post-modernists deny the very validity and utility of their canonical texts, of their conventions of reason and conscience, of their virtues of prudence, justice, and wisdom, faith, hope, and charity. These challenges to the traditional values embraced by Christian schools are not only raised at Berkeley, Stanford, and other familiar bevvies of radicalism. Today, they thrive just as well within Christian colleges and universities.

How can Methodist and other Christian institutions of higher learning respond constructively to these challenges? How does the Christian academy define and defend Christian educational values in a way that respects both traditional formulations as well as contemporary critiques? How can traditional methods and measures of values be retooled to meet the demands of new world views and a new world order?

Most responses to these pressing questions must be left to the cognoscenti. A partial response, however, is that we must return the two great spheres and sciences of law and of religion to the heart of our educational enterprise.

Nearly a millennium ago, when the first Western Christian universities were founded, the faculties of law and of religion stood at the center of the university, along with the faculty of medicine. Canon law and civil law,

biblical exegesis and Christian theology were staples in the curricular diet of virtually all students. Legal and theological methods of reasoning and rhetoric, of interpretation and judgment were the common currency of the intelligentsia. Jurists and theologians were at the center of university administrations. The bench and the altar, the bar and the pulpit were exalted and coveted stations of Christian professional life. Law and religion were universally accepted as the two great interlocking sources and systems of values and beliefs.

In the past century and a half, the faculties of law and of religion have been pushed to the edge of the campus, particularly in North American universities. Law and religion are now taught largely in isolated professional schools, with their own professors, students, and libraries. Commerce and collaboration among law schools, theology schools, and the rest of the university is minimal. Jurists and theologians are generally left outside the inner circles of true *Wissenschaft*. Legal education and theological education are often regarded as mere professional addenda to the core educational mission of the university.

This alienation of law and religion — both from each other and from the rest of the university — was born, in part, of the intense specialization of modern research universities. It was born, in part, of a haughty and hasty withdrawal of later nineteenth-century jurists and theologians from the university mainstream. This alienation of law and religion, however, also reflects a deliberate shift by educators to find universal norms, values, and methods in other disciplines besides law and religion, particularly in the burgeoning exact sciences and behavioral sciences.

The argument of this paper is simply this: If Christian and other institutions of higher learning wish to respond fully to the challenges facing them, they must reintegrate law and religion into their curriculum and mission. For law and religion are two universal solvents of human living, two interlocking sources and systems of values that exist in all human communities, regardless of time, place, and culture. Law and religion, Justice Harry Blackmun once wrote, “are an inherent part of the calculus of how a man should live” and how a society should run.¹ The contents of legal and religious systems, of course, can differ dramatically over time and across cultures; at points, they can converge or contradict each other. But these two systems of values are always present. No university that is serious about teaching values, about teaching the sources, methods, and commandments of morality, should ignore them.

The Relationship of Law and Religion²

To appreciate the relationship of law and religion, and their inherent educational values, we must move beyond the positivist concepts of law and the privatist concepts of religion that dominate the academy. Law is often conceived today simply as the state statutes and rules that govern political society and its members. Religion is often conceived simply as the beliefs and exercises designed to guide the private conscience and the voluntary religious society. By these definitions, law has no place in the realm of religion; religion has no place in the regime of law.

Such concepts of law and of religion are too narrow for us to see how these two spheres and sciences are related. Viewed in its broadest social terms, law consists of all norms that govern human conduct and all actions taken to formulate and respond to those norms. Such norms include moral commandments, state statutes, ecclesiastical canons, family rules, commercial habits, communal customs, forms of etiquette, and various other social norms. Even viewed in narrower institutional terms, law consists of more than simply the rules of the state. On the one hand, law is the social activity by which certain norms are formulated by legitimate authorities and actualized by persons subject to those authorities. The process of legal formulation involves legislating, adjudicating, administering, and other conduct by legitimate officials. The process of legal actualization involves obeying, negotiating, litigating, and other conduct by legal subjects in response to those norms.

Law is rules, plus the social activity of formulating, enforcing, and responding to those rules.³ On the other hand, numerous institutions besides the state are often involved in this social activity of legal formulation and actualization. The rules, customs, and processes of churches, colleges, corporations, clubs, convents, and other associations are just as much a part of a society's legal system as those of the state. In historical and contemporary societies alike, state governments respect and defer to these non-state forms of law.

Likewise, religion cannot be reduced simply to private belief or ecclesiastical action. Viewed in its broadest human terms, religion embraces all beliefs and actions that concern the ultimate origin, meaning, and purpose of life, of existence. Religion involves the responses of the human heart, soul, and mind to revelation, to transcendent values, to, what Rudolf Otto once called, the "idea of the holy."⁴ Viewed in narrower institutional terms, religion embraces a creed, a cult, a code of conduct, and a confessional community.⁵ A creed defines the accepted cadre of beliefs and values concerning the ultimate origin, meaning, and purpose of life. A cult defines the appropriate rites, rituals, and patterns of worship and devotion that give expression to those beliefs. A code of conduct defines the appropriate individual and social habits of those who profess the creed and practice the cult. A confessional community comprises the group of individuals who embrace and live out this creed, cult, and code of conduct, both on their own and with fellow believers. By this definition, a religion can be traditional or very new, closely confining or loosely structured, world-averse or world-affirmative, atheistic, nontheistic, polytheistic, or monotheistic. What is critical to see is that religion consists both of beliefs, plus the social articulation, implementation, and elaboration of those beliefs.

These broad functional definitions of law and religion provide no bright line tests to resolve penumbral cases. It is not always easy to distinguish between legal and non-legal norms, genuine and spurious religious claims. But these functional definitions of law and religion provide a principled means of differentiating two distinct spheres of ideas and institutions, and two distinct methods and forms of study — legal science and religious science, jurisprudence and theology.

To be sure, the spheres and sciences of law and religion have, on occasion, both converged and contradicted each other. Every religious tradition has known both theonomism and antinomianism — the excessive legalization and the excessive spiritualization of religion. Every legal tradition has known both theocracy and totalitarianism — the excessive sacralization and the excessive secularization of law. But the dominant reality in all eras and cultures is that law and religion stand not in monistic unity, nor in dualistic antinomy, but in dialectical harmony. Every religious tradition strives to come to terms with law by striking a balance between the rational and the mystical, the prophetic and the priestly, the structural and the spiritual. Every legal tradition struggles to link its formal structures and processes with the beliefs and ideals of its people.⁶ Law and religion are distinct spheres and sciences of human life, but they exist in dialectical interaction, constantly crossing-over and cross-fertilizing each other.

Various modes of relationship between law and religion can be distinguished. For example, law and religion are conceptually related. Both disciplines draw upon the same underlying concepts about the nature of being and order, of the person and community, of knowledge and truth. Both law and religion embrace closely analogous concepts of sin and crime, covenant and contract, redemption and rehabilitation, righteousness and justice that invariably combine in the mind of the legislator, judge, or juror. The modern legal concept of crime, for example, has been shaped by a Christian theology of sin and penance. The modern legal concept of absolutely obligating contracts was forged in the crucible of Puritan covenant theology. The modern legal concept of the purposes of punishment are rooted in both Catholic doctrines of penance and Protestant doctrines of the uses of law. Both law and religion draw upon each other's concepts to devise their own doctrines. The legal doctrine that the punishment must fit the crime rests upon theological doctrines of purgation and penance. The Christian theological doctrine of humanity's fallen sinful nature is rooted in legal concepts of agency, complicity, and vicarious liability.

Law and religion are methodologically related. Both have developed analogous hermeneutical methods, modes of interpreting their authoritative texts. Both have developed logical methods, modes of deducing precepts from principles, of reasoning from analogy and precedent. Both have developed ethical methods, modes of molding their deepest values and beliefs into prescribed or preferred habits of conduct. Both have developed forensic and rhetorical methods, modes of arranging and presenting arguments and data. Both have developed methods of adducing evidence and adjudicating disputes. Both have developed methods of organizing, systematizing, and teaching their subject matters.

Law and religion are institutionally related — principally in the relation between church and state, but also in the relations among sundry other religious and political groups. Jurists and theologians have worked hand-in-hand to define the proper relationship between these religious and political groups, to determine their respective responsibilities, to facilitate their cooperation, to delimit the forms of support and protection one can afford the other. Many of the great Western constitutional doctrines of church and state — the two cities theory of Augustine, the two powers theory of Gelasius, the two swords theory of the High Middle Ages, the two kingdoms theory of the Reformation era — are rooted in both civil law and canon law, in theological jurisprudence and political theology. Much of our American constitutional law of church and state is the product both of Enlightenment legal and political doctrine and of Christian theological and moral dogma.

Law and religion are professionally related. In many earlier societies, and among certain groups still today, the legal profession and the religious profession are undifferentiated. Legal and sacerdotal responsibilities are vested in one office or one person, be that chieftain, oracle, pontiff, or rabbi. Even when these professions are differentiated, however, they remain closely related. The professions are similar in form. Both require extensive doctrinal training and maintain stringent admissions policies. Both have developed codes of professional ethics and internal structures of authority to enforce them. Both seek to promote cooperation, collegiality, *esprit de corps*. The professions are also parallel in function. There are close affinities between the mediation of the lawyer and the intercession of the cleric, between the adjudication of the court and the arbitration of the consistory, between the beneficence of the bar and the benevolence of the diaconate. Ideally, both professions serve and minister to society. Both seek to exemplify the ideals of calling and community.

These and other forms of interaction have helped to render the spheres and sciences of law and religion dependent on — and indeed dimensions of — each other.⁷

On the one hand, law gives religious lives and religious communities their structure — the order and orthodoxy that they need to survive and to flourish in society.⁸ Legal “habits of the heart” structure the inner spiritual life and discipline of religious believers, from the reclusive hermit to the aggressive zealot. Legal ideas of justice, order, atonement, restitution, responsibility, obligation, and others pervade the theological doctrines of many religious traditions. Legal structures and processes, such as the Christian canon law, the Jewish Halakha, and the Muslim Shari’a, define and govern religious communities and their distinctive beliefs and rituals, mores and morals. Without this legal structure, religion would readily decay into shallow spiritualism.

On the other hand, religion gives legal processes and norms their spirit — the sanctity and authority they need to command obedience and respect. Religion inspires the rituals of the court room, the decorum of the legislature, the pageantry of the executive office, all of which celebrate and confirm the objectivity and uniformity, the truth and justice of the law.⁹ Religion gives law its structural fairness, its “inner morality,” as Lon Fuller once called it.¹⁰ Legal rules and sanctions are publicly proclaimed and popularly known. They are uniform, stable, and understandable. They are prospectively applied and consistently enforced. Religion gives law its respect for tradition, for the continuity of institutions, language, and practice, for precedent and preservation. Just as religion has the Talmudic tradition, the Christian tradition, and the Islamic tradition, so law has the

common law tradition, the civil law tradition, the constitutional tradition. As in religion, so in law, we abandon the time-tested practices of the past only with trepidation, only with explanation. Religion gives law its authority and legitimacy, by inducing in citizens and subjects a reverence for law and structures of authority, by producing a popular "faith in a truth and a justice that transcends social utility."¹¹ Like religion, law has written or spoken sources, texts or oracles, which are considered to be decisive in themselves. Religion has the Bible and the Torah and the pastors and rabbis who expound them. Law has the constitutions and the statutes and the judges and agencies that apply them. Without this religious spirit, law would readily decay into empty formalism.

Law and religion, therefore, are two great interlocking systems of values and belief. They have their own sources and structures of normativity and authority, their own methods and measures of enforcement and amendment, their own rituals and habits of conceptualization and celebration of values. These spheres and sciences of law and religion exist in dialectical harmony. They share many elements, many concepts, and many methods. They also balance each other by counterpoising justice and mercy, rule and equity, orthodoxy and liberty, discipline and love. This dialectical harmony give law and religion their vitality and their strength.

John Wesley on the Educational Values of Law and Religion

Skeptics of this argument, particularly Methodist readers, might be surprised to learn that John Wesley himself voiced a very similar argument — albeit in narrower theological terms. Wesley's argument merits rehearsal, for it not only provides a distinctive Christian example and application of the foregoing, but it also extends the argument by showing the inherent educational values of law and religion. Wesley demonstrated that law and religion, together, are indispensable to the moral and spiritual development of the person, and both must be part of a person's life and learning.

In typical eighteenth-century evangelical style, Wesley focused his argument principally on Godly law and on the biblical religion. He defined Godly law as "a complete model of all truth [and] and of all good," "a copy of the eternal mind, a transcript of the divine nature," which is inherently "good, holy, and just." This Godly law is "engraven on [man's] heart by the finger of God; wrote in the innermost spirit both of men and of angels . . . to make way for a continual increase of their happiness." It "prescribes exactly what is right, precisely what ought to be done, said, or thought, both with regard to the Author of our being, with regard to ourselves, and with regard to every creature which He has made. It is adapted, in all respects, to the nature of things, of the whole universe, and every individual. It is suited to all the circumstances of each, and to all their mutual relations."¹² Godly law, says Wesley, is not only known and applied through conscience, but is also translated into positive forms — in the Old Testament ceremonial and moral laws inspired directly by God, and in the civil laws promulgated by God's vice-regents in the modern state. Wesley focused his religious arguments on the cardinal doctrines of Christianity — God and man, sin and salvation, law and gospel, nature and grace, creation and redemption — making only occasional asides about Judaism and Islam. Those inspired by the "oracles of God," Wesley preached, "know that He who seeth what is in man gives a far different account both of nature and grace, of our fall and recovery. Ye know that the great end of religion is, to renew our hearts in the image of God, to repair that total loss of righteousness and true holiness which we sustained by the sin of our first parents. Ye know that all religion which does not answer this end . . . is no other than a poor farce, and a mere mockery of God, to the destruction of our own soul."¹³

In his ministry in England and America, and in his controversies with Puritans and Moravians, Wesley encountered what he considered to be both excessive legalism and excessive spiritualism. Some of his Puritan detractors urged that salvation cannot be achieved without works of the law. They thus urged Wesley to focus his ministry on the Old Testament law. Some of his Moravian opponents urged that those who are already saved have no further need of the law. They thus urged Wesley to focus his ministry on the New Testament Gospel.

Wesley struck a consistent course between these extremes of legalism and spiritualism — of “Pelagianism” and “antinomianism,” as he called these positions. Every person, Wesley preached, needs both law and religion, both the Torah and the Gospel, both the Old Testament and the New. Law and religion, in this distinctly Christian sense of the term, together serve as “our schoolmaster.” Torah and gospel, the divine law and the Holy Spirit preserve us, teach us, and perfect us in our moral and spiritual lives. They thereby “prepare and draw” believers into ever “larger communications of the life of God.”¹⁴

To describe this “schoolmaster” role more fully, Wesley invoked the classic Protestant doctrine of the “three uses of the law.”¹⁵ This uses doctrine served to define the proper place and purpose of law in the life of faith, in (what Wesley called) “the process, the working out of salvation.”¹⁶ Paul had taught that a person moves from a state of sin to a state of sanctity, from a life of the flesh to a life of the spirit. In Wesley’s view, there are “stages” along the way to this “working out of one’s salvation.”¹⁷ A person is first predestined or elected to salvation. A person is then justified or saved from sin and the punishment it deserves. A person is thereafter sanctified, or made more holy, in his inner self and outer works.¹⁸ God’s grace and a person’s faith plays an indispensable role in this spiritual walk of salvation. But God’s law and its positive manifestations plays an indispensable role as well. It was this role of law in the process of salvation that the “uses of the law” doctrine sought to capture.

Earlier Protestant writers had classified the role of law into three forms, or three uses, which correspond roughly to the “stages” of predestination, justification, and sanctification, respectively. The law has a “civil use” of restraining a person’s sinfulness and thereby preserving him before he is saved. The law has a “theological use” of exposing a person’s sinfulness, and thereby inducing him to seek God’s gracious forgiveness. The law has a “pedagogical use” of teaching those who have been forgiven and saved, the virtuous works that please God and enhance their holiness. All three uses of the law enhance the moral development of the person; when coupled with faith and grace, they also enhance a person’s spiritual development.

Wesley expounded his own variant of this use of the law doctrine in his two dialogues “between an antinomian and his friend” in 1745,¹⁹ and in a trilogy of sermons on law in 1749.²⁰ It must be stressed that his exposition of the uses doctrine was part of a broader effort to demonstrate that law and religion, rules and faith, obedience and liberty, discipline and righteousness belong inextricably together in a person’s life. His expositions are peppered throughout with injunctions that “Christian Liberty is a Liberty to obey, and not to commit Sin,”²¹ that Christians must live “at once under grace and under law,”²² that Christians “cannot spare the law one moment, no more than [they] can spare Christ.”²³ For law, in its pristine Godly form and in its positive human forms, serves and complements Christian liberty, faith, and grace — in three interlocking ways.

First, law serves to restrain persons from sinful conduct by threat of divine and temporal punishment. “This use of the law,” Wesley wrote cryptically, “is [simply] to keep us alive.”²⁴ Threatened by divine sanctions, persons obey the basic commandments of the Godly law — to obey authorities, to respect their neighbor’s person and property, to remain sexually continent, to speak truthfully of themselves and their neighbors.²⁵ Threatened by temporal punishments, persons obey the basic commandments of the civil law — prohibitions against the harmful and immoral acts of murder, rape, battery, and other violations of the person; arson, theft, burglary, and other violations of property; riot, tumult, nuisance, and other violations of public peace and order. Although, without faith, such obedience of the law does not earn one salvation, it nonetheless allows for a modicum of peace and stability in this sin-ridden world, and it preserves the elect before they are saved.

Second, law serves “to convince the world of sin.” “This use of the law,” Wesley preached, is to “slay the sinner, . . . to destroy the life and strength wherein he trusts, and convince him that he is dead while he liveth; not only under the sentence of death, but actually dead unto God, void of all spiritual life, ‘dead in trespasses and

sins'." The person "sees daily, in that divine mirror [of the law], more and more of his own sinfulness. He sees more and more clearly, that he is still a sinner in all things." "All his fig-leaves are torn away, and he sees that he is 'wretched, poor, and miserable, and blind, and naked' . . . He feels himself a mere sinner. He has nothing to say. His 'mouth is stopped,' and he stands 'guilty before God'." Such conviction and humiliation, Wesley preached, is necessary "to bring him unto life, unto Christ, that he may live." The law thereby "acts as a severe schoolmaster. It draws us by force, rather than draws us by love. And yet love is the spring of all. It is the spirit of love which, by this painful means, tears away our confidence in the flesh. . . ."26

Third, law enables the justified believer "to increase in Holiness, as he increases in the Love of God and Man."²⁷ The law, operating with the Holy Spirit as "a gentle schoolmaster," teaches the believer the "Fruits of the Spirit . . . such as Love, Gentleness, Long-suffering, Goodness, Meekness, Temperance," and other Christian virtues that are celebrated particularly in the Beatitudes.²⁸ It allows the believer to embrace not only the public morality that is common to all persons but also the private morality that is becoming of Christian believers. As a gentle teacher, the law not only coerces believers against violence and violation, but also cultivates in them charity and love. It not only punishes harmful acts of murder, theft, and fornication, but also prohibits evil thoughts of hatred, covetousness, and lust.²⁹ Through the exercise of this private Christian morality, Wesley concluded, the saints "grow in Christian perfection," and become ever more assured of "receiving grace upon grace, till [they] are in actual possession of the fullness of His promises."³⁰

Out of the laboratory of eighteenth-century evangelical theology, Wesley produced a timeless argument for the value of integrating and teaching law and religion. First, Wesley saw that, as creations and revelations of God, law and religion are an inherent part of human experience. Godly law takes on various positive human forms — some in close approximation, others in utter renunciation of what God has revealed. Biblical religion also takes on positive human forms — some in deliberate extension, others in apostate rejection of what God has revealed. But, regardless of their form, the presence of law and religion is a simple fact of human experience, and must be dealt with. Second, Wesley saw that, whatever their human forms, law and religion have inherent educational qualities; they are appointed by God as schoolmasters of human living. Law and religion coerce and counsel, drive and draw persons to adopt a certain course of living. Their instruction is inescapable. Malevolent human laws and malignant human religions will invariably produce wayward persons. Just human laws and righteous human religions will produce upstanding and virtuous persons. Third, Wesley saw that, within Christian communities, law and religion invariably shape the moral and spiritual development of each person. Godly law and its just human extensions, Biblical religion and its Christian theological expression are the schoolmasters of the Christian life. Together, they teach humility and holiness, discipline and love, order and liberty, justice and mercy and numerous other correlative virtues and values. They have a civil use of teaching the commandments of public morality, and a spiritual use of teaching the counsels of private morality. By so doing, law and religion, together, play a critical part in God's gracious election, justification, and sanctification of the person.

For educators, particularly Christian educators seeking counsel about the place of values in education, it is hard to better Wesley's instruction.

Conclusion

We began our inquiry by highlighting the challenge that currently confronts Christian institutions of higher learning. Let us return briefly to that theme in conclusion.

At the beginning of the second millennium, when the first Western Christian universities were established, Western Christendom was substantially integrated and uniform, though hardly free from strife. There was one Christian church, one Christian faith, one Christian clergy, one Christian value system, one Christian object of

education that official society condoned. The structure, the mission, and the personnel of the Western university were all determined on the basis of a common world view and a uniform world order.

On the eve of the third millennium, the Western university faces a radically different world order and radically divergent world views. The world is torn by crisis and paradox, by a moral Armageddon, if not a military one. With the memories of two world wars still fresh in our minds, we see the slaughter of Rwanda, the genocide of the Balkans, the massive unrest in Central and Latin America, Southeast Asia, and the former Soviet Union. We see the great paradoxes of incremental political unification versus violent balkanization, gentle religious ecumenism versus radical fundamentalism, sensitive cultural integration versus rabid cultural diversification, sensible moral pluralization versus shocking moral relativism.

The modern university, particularly the modern Christian university and college, must do its part to parse these paradoxes, to prepare ourselves and our children to confront these challenges. As educators, we need to work to create global structures and symbols, global processes and principles, global ethics and values. As Christians, we need to inject our Christian values and beliefs into this process — else there will ultimately be little place for us in the new world order. The new world culture cannot be created only out of a worldwide science and commerce, out of a global literature and language. We also must work to create a new *ius gentium* and *fides populorum*, a new common law and common vision for all humanity. The great Western story of law and religion — in all its fullness — must be writ large, on a global scale. For law and religion are the two great forces that constitute both social and personal life.

Notes

1. Harry A. Blackmun, foreword to John Witte, Jr. and Frank S. Alexander, eds., *The Weightier Matters of the Law: Essays on Law and Religion* (Atlanta, Ga., 1988), ix.

2. This section is drawn, in part, from John Witte, Jr. and Frank S. Alexander, "The Study of Law and Religion: An Apologia and Agenda," *Ministry and Mission*, vol. 14(1) (Fall, 1988), 4,14; John Witte, Jr., "A New Concordance of Discordant Canons: Harold J. Berman on Law and Religion," *Emory Law Journal*, vol. 42 (1993), 523, 538-544; *id.*, "Law," in A.B. Clarke and Andrew Linzey, eds., *Dictionary of Theology and Society* (forthcoming) and the sources cited therein.

3. See Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Mass., 1983), 4-5; Jerome Hall, *Comparative Law and Social Theory* (Baton Rouge, La., 1963), 78-82; Hermann Kantorowicz, *The Definition of Law*, ed. A.H. Campbell (Cambridge, 1958).

4. See Herman Dooyeweerd, *A New Critique of Theoretical Thought*, trans. D.H. Freeman and W.S. Young (Philadelphia, Pa., 1969), vol. 2, 298-330; Rudolf Otto, *The Idea of the Holy: An Inquiry into the Non-Rational Factor of the Idea of the Divine and Its Relation to the Rational*, 2nd ed. (New York, 1950).

5. Leonard Swidler, "Human Rights in Religious Liberty — From Past to Future," in Leonard W. Swidler, ed., *Religious Liberty and Human Rights in Nations and Religions* (Philadelphia, Pa., 1986), vii.

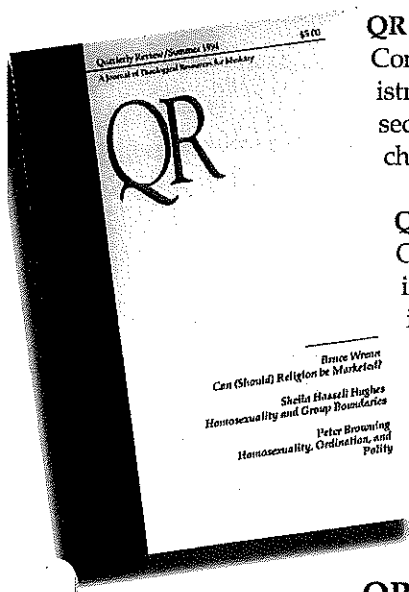
6. Berman, *The Interaction of Law and Religion* (Nashville, Tn., 1974), 133-142; *id.*, *Faith and Order: The Reconciliation of Law and Religion* (Atlanta, Ga., 1993), x-xii.

7. Berman, *The Interaction of Law and Religion*, *op. cit.*, 21-48, 77-106 (chapters on the "religious dimensions of law" and "the legal dimensions of religion"); Christopher Dawson, *Religion and Culture* (New York, 1948), 131-174.

8. I draw this terminology from Jaroslav Pelikan, *Spirit versus Structure: Luther and the Institutions of the Church* (New York, 1968).
9. Berman, *Faith and Order*, op. cit., 8-15.
10. Lon Fuller, *The Morality of the Law*, rev. ed. (New Haven, Conn., 1964), 33-94.
11. Berman, *Faith and Order*, op. cit., 7.
12. John Wesley, *The Original, Nature, Property, and Use of the Law* (c. 1749), reprinted in Edward H. Sugden, ed., *Wesley's Standard Sermons*, 4th ed. (London, 1956), vol. 2, 37, 42-49.
13. John Wesley, *Original Sin* (1759), in *Wesley's Standard Sermons*, op. cit., vol. 2, 225.
14. Wesley, *The Original, Nature, Property, and Use of the Law*, op. cit., 53; *id.*, *An Open Letter of December 20, 1751*, in Albert C. Outler, ed., *John Wesley* (New York/Oxford, 1964), 232-237.
15. See discussion of this doctrine and sources cited in John Witte, Jr. and Thomas C. Arthur, "The Three Uses of the Law: A Protestant Source of the Purposes of Criminal Punishment," *Journal of Law and Religion*, vol. 12 (1994), 1501, 1502-1516.
16. John Wesley, *Of Working out our Own Salvation*, (1745) in *Wesley, Sermons on Several Occasions*, (Nashville, Tn., 1879), vol. 3, 372-381.
17. See esp. John Wesley, *Christian Perfection* (1741), in *Wesley's Standard Sermons*, op. cit., vol. 2, 147, 156 ("[T]here are several stages in Christian life, as in natural; some of the children of God being but new-born babes, others having attained to more maturity.")
18. Romans 8:28-30; Galatians 3:21-29. See discussion in Wesley, *Christian Perfection*, 156-157, 162-170; *id.*, *The Law Established Through Faith — I* (c. 1749), in *Wesley's Standard Sermons*, op. cit., 58, 65-70; *id.*, *The Law Established Through Faith — II* (c. 1749), in *Wesley's Standard Sermons*, op. cit., 72-83; *On Predestination* (1773), in *John Wesley, Sermons on Several Occasions*, op. cit., vol. 3, 21-27; *Justification by Faith* (1746), in *Wesley's Standard Sermons*, op. cit., vol. 1, 122-130; *Righteousness by Faith* (1742), in *Wesley's Standard Sermons*, op. cit., vol. 1, 131-146.
19. John Wesley, *A Dialogue Between an Antinomian and his Friend*, 2nd ed. (London, 1745); *id.*, *A Second Dialogue Between an Antinomian and his Friend* (London, 1745).
20. Wesley, *The Original, Nature, Property, and Use of the Law*, op. cit.; *id.*, *The Law Established Through Faith — I*, op. cit.; *id.*, *The Law Established Through Faith — II*, op. cit.
21. Wesley, *A Second Dialogue Between an Antinomian and his Friend*, 8.
22. Wesley, *The Law Established Through Faith — I*, op. cit., 68.
23. Wesley, *The Original, Nature, Property, and Use of the Law*, op. cit., 55-56.
24. *Ibid.*, op. cit., 53.

25. Ibid., op. cit., 39-40, 55. See also *id.*, *Sermon Preached Before the Society for the Reformation of Manners* (1763), in *Wesley's Standard Sermons*, op. cit., vol. 2, 481-505.
26. Wesley, *The Original, Nature, Property, and Use of the Law*, op. cit., 52-55.
27. Wesley, *A Dialogue Between an Antinomian and his Friend*, 12.
28. Ibid., 11. Wesley preached thirteen grand sermons on the Beatitudes, reprinted in *Wesley's Standard Sermons*, vols. 1-2.
29. Wesley, *Christian Perfection*, op. cit., 171-173.
30. Wesley, *The Original, Nature, Property, and Use of the Law*, op. cit., 54.

WHAT DOES QR MEAN?



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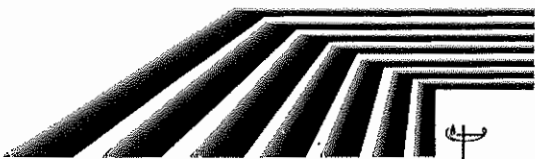
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