The Rule of Law

Do we favor the rule of law? It seems often to depend, both in church and state, upon whether we are applying it to others or they to us. What of preaching the law, as proposed by many articles in this issue? The second definition of “preach” in the Oxford English Dictionary is this: “To utter a serious or earnest exhortation, esp. moral or religious; to talk seriously in the way of persuasion or moralizing. Now usually dyslogistic: To give moral or religious advice in an obtrusive or tiresome way.” And who wants tiresome religious advice? “Don’t preach at me,” we say in common English idiom, and everyone knows what we mean.

Avoidance of obtrusive moralizing is one thing; despising law altogether is another, a dangerous and sometimes silly move. An ELCA synod, in assembly gathered, formally voted a few years back not to be addressed by God’s law on a particular social issue. (I wouldn’t believe it either, but I was there.) We seek to be informed on this issue by the gospel, they said, but expressly not by the law. Can we get out from under the rule of God’s law by majority vote? It would certainly be convenient.

On the other hand, many preachers are told fairly often that they need to preach the law to “them,” where “law” almost always refers to some issue of personal morality. Only once, as I recall, did a parishioner urge me to preach the law to “us”; that was in the early ’60s, and this faithful parishioner numbered himself among society’s reluctant racists and needed to hear, as he said, what the Spirit had laid on my heart to say to him so that he might be converted. Most of us in the church are more adept at avoidance.

On the international level, in a case that, as regular readers know, concerns many of us at Luther Seminary, Robert Mugabe continues to foment against those who demand a return to the “rule of law” in Zimbabwe, arguing (occasionally) that the “law” to which appeal is being made is a carryover from the colonial regime and therefore no longer bears legitimate authority. Were that his real reason for the destructive lawlessness into which this liberator-turned-dictator has led his unfortunate and longsuffering country, one would have to consider it seriously. There is no question that “law” is a fluid concept and that it can be quite easily (even innocently) crafted to privilege certain people, classes, or cultural traditions, just as there is no question that there remain in Zimbabwe cultural and economic imbalances needing to be addressed.

Unhappily for Mugabe’s case, the present threat to his system of one-party rule came not from former colonialists but from black Zimbabweans who voted

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1 Oxford English Dictionary, s.v. “preach.”
decisively to reject a proposed constitution that would have given Mugabe even greater power to do whatever he wants. Seeing the handwriting on the wall, Mugabe decided that “law” means authorizing whatever it takes to maintain him and his henchmen in power. The resultant anarchy shows just how surprisingly fragile are the institutions of law—especially, no doubt, in a new nation—and how carefully they must be nourished for the sake of human well-being and even life itself.

Nourishing law in Zimbabwe calls now for an international response: the political isolation of President Mugabe and other representatives of his corrupt system that has been called for by many observers. It is simply no longer tenable to afford Mugabe and his cohorts the diplomatic respect due legitimate governmental leaders. Sanctions against the nation or the people do not make a lot of sense, but, like Milosevic, Mugabe personally must be publicly labeled the criminal that he is and treated as such.

Zimbabweans must find their own response, of course. From the perspective of the church, one is tempted to urge Zimbabwean preachers to condemn their president and take the consequences, but those consequences can be terrible, even deadly, so it is easier said than done—and more easily urged from a safe distance. Some have taken a bold stance, and they are to be commended. More often, though, the law that is proclaimed from the pulpits is about personal morality rather than public oppression—certainly an observation about the church in crisis not limited to Zimbabwe and one that in part reflects the pietistic bent of many early missionaries. Sometimes, preaching becomes legalism, which then gets in the way of the gospel’s liberation that alone can empower a confrontation of the powers and principalities.

Gerhard von Rad’s counsel in his sermon on Isaiah 40 (“Comfort my people...”) applies well to present Zimbabwe, I think. What do we need to hear, asks von Rad, in times of great danger?

Do you think this is a time for preachers of judgment with rods of steel? I don’t know. Throughout Christian history such preachers of repentance have appeared, often leaving their traces deep in human memory—fanatics of wrath, terrorizing whole cities or even nations. But they finally failed. I think it was because they were not able to provide comfort with equal authority. 

I have observed in Zimbabwe that it is precisely those Christians who have rightly heard the gospel of comfort, who know themselves to be fully and ultimately free, who have the ability to hear also the law and to make it known, sometimes even an-

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nouncing it, Nathan-like, to the king with the gun. I have heard the breath of fresh air of those liberated anew by the gospel, now turned loose potentially to turn the world upside down.

So, of course we need the rule of law—proclaimed in its clarity in the same way the gospel must be (both just as easily abused, but both essential elements of God’s creative word). I need the law to sting my conscience and protect me from the dangers of perdition; we all need it to protect ourselves and others from the arrogance of the oppressor. Whatever one says theologically about uses of the law (two? three?)—a debate that is by no means trivial—readers, teachers, and preachers of the Bible cannot avoid the commands of Torah, the voices of the prophets, the demands of Jesus, and the parenetic admonitions of the epistles. Our task as teachers and preachers is to announce and explicate these texts for our sake and for the sake of the world. Our task, further, is to learn how to discern God’s will as clearly as possible in issues to which Scripture does not speak or where Scripture’s application to the present world is not transparent, and to learn to distinguish all of this from our own agendas—or, perhaps, to tailor our agendas accordingly. Our task as Christian citizens is to support efforts to apply the civil law in ways that produce a world that functions as the safe playground that God means to establish for all God’s children through the fence of law. None of that is easy, actually; and the consequences may often be severe. But the alternative is worse: a world where tyrants oppress with impunity, and a church unable to come to terms with a God who both demands all and gives all.

F.J.G.