

THE CHRISTIAN LAWYER®

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"But in your hearts set apart Christ as Lord. Always be prepared to give an answer to everyone who asks you to give the reason for the hope that you have. But do this with gentleness and respect . . ."

1 Peter 3:15

APOLOGETICS

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Nothing but the Truth...So Help Me, God!

"GOOD PHILOSOPHY MUST EXIST, IF FOR NO OTHER REASON, BECAUSE BAD PHILOSOPHY NEEDS TO BE ANSWERED."

-C. S. LEWIS, *The Weight of Glory*, "Learning in Wartime" (1939)

The postmodern culture in which we work, live and raise our families imagines truth, particularly moral truth, to be merely a relative, subjective and individualized experience rather than the objective, verifiable fact Jesus claimed it to be. There was a time when most lawyers and law students thought God, Holy Scripture and Jesus Christ satisfied any definition of truth and could be used in legal practice. Now many ask with the same cynicism of Pontius Pilate, "What is truth?" (John 18:38).

If we are to be competent "witnesses" for Jesus, who described himself as "the Way, the Truth and the Life," we must understand the crux importance of absolute truth to the defense of the Christian worldview that Jesus commands His followers to teach (Matt.28:18-20). The stakes could not be higher for both our reason and our faith.

Our reason is challenged by the sharp divide between the "heart" and "brain" presumed in postmodern culture. As Nancy Pearcey writes in her award-winning book, *Total Truth: Liberating Christianity from its Cultural Captivity* (Crossway 2004), "We have to reject the division of life into a sacred realm, limited to things like worship and personal morality, over and against a secular realm that includes science, politics, economics and the rest of the public arena. This dichotomy in our minds is the greatest barrier to liberating the power of the gospel across the whole of culture today."

Our faith in truth is also attacked in the academy and the media by pundits who claim that "the single worst idea in the whole of Western history is 'monotheism'" – the absolute belief in one *true* God. Christian social commentator Os Guinness recently noted that "this train of attack" was set off by Gore Vidal in his Lowell Lecture at Harvard in 1992. Vidal said to the applause of his well-educated audience, "The great unmentionable evil at the heart of Western civilization is monotheism." After 9/11, when President Bush said the "axis of evil" was Iran, Iraq and North Korea, the journalist Christopher Hitchens disagreed saying, "the real axis of evil is Judaism, the Christian faith, and Islam." New York columnist Tom Friedman made a similar point. "The problem today," Friedman wrote, is "not terrorism but 'religious totalitarianism'" and that means not just Islam, but also Judaism and the Christian faith.

Os Guinness recently stated in a talk he gave to the Law Professors Christian Fellowship, "The fact is that belief in one true God is the most influential, transforming and innovative belief in all human history, and lies directly or indirectly behind many of the greatest and most transformative ideas in the West – for example the rise of the universities, science, free market economics, democracy, human rights and our legal and social reform movements."

In this issue of the *The Christian Lawyer*, we have included articles that address how you can engage a postmodern culture, as well as truly "love God with your whole mind" as commanded by God (Deut. 6:5) and affirmed by Jesus in his conversation with the lawyer (Luke 10:28).

For the Christian lawyer, Jesus is the Truth, the whole Truth and nothing but the Truth. As we seek to reach out to our profession in His name, or as we seek to reaffirm or discover for the first time the truth of our relationship to God and our neighbor, let us consider what we actually think about Truth itself, and whether there is any truth left "in us" (1 John 1:8).



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The Christian Lawyer
Christian Legal Society
8001 Braddock Rd, Suite 300
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(703) 361-1160

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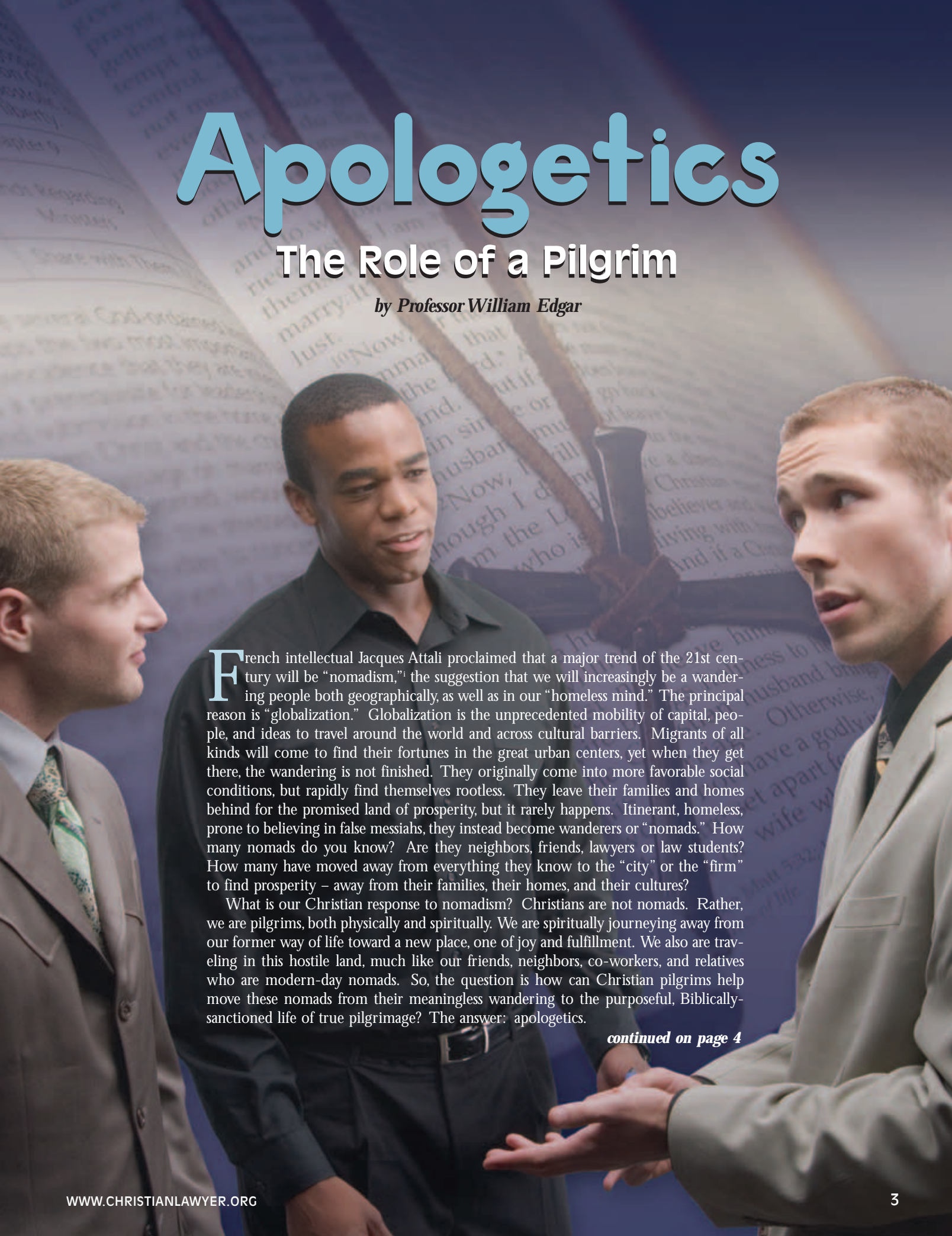
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Apologetics

The Role of a Pilgrim

by Professor William Edgar

The background of the page features three men in suits engaged in conversation. The man on the left is looking towards the center. The man in the center is looking towards the right. The man on the right is looking towards the center. The background is a collage of various text snippets, including "Share with Them", "and to...", "them...", "marry...", "Just...", "Now...", "the...", "in sin...", "husband...", "Now, I...", "though I...", "the L...", "who is...", "Christ...", "believe...", "living with...", "and if a Ch...", "him...", "ness to...", "husband bring...", "Otherwise...", "have a godly...", "et apart w...", "wife w...", "aw 5:32...".

French intellectual Jacques Attali proclaimed that a major trend of the 21st century will be “nomadism,”¹ the suggestion that we will increasingly be a wandering people both geographically, as well as in our “homeless mind.” The principal reason is “globalization.” Globalization is the unprecedented mobility of capital, people, and ideas to travel around the world and across cultural barriers. Migrants of all kinds will come to find their fortunes in the great urban centers, yet when they get there, the wandering is not finished. They originally come into more favorable social conditions, but rapidly find themselves rootless. They leave their families and homes behind for the promised land of prosperity, but it rarely happens. Itinerant, homeless, prone to believing in false messiahs, they instead become wanderers or “nomads.” How many nomads do you know? Are they neighbors, friends, lawyers or law students? How many have moved away from everything they know to the “city” or the “firm” to find prosperity – away from their families, their homes, and their cultures?

What is our Christian response to nomadism? Christians are not nomads. Rather, we are pilgrims, both physically and spiritually. We are spiritually journeying away from our former way of life toward a new place, one of joy and fulfillment. We also are traveling in this hostile land, much like our friends, neighbors, co-workers, and relatives who are modern-day nomads. So, the question is how can Christian pilgrims help move these nomads from their meaningless wandering to the purposeful, Biblically-sanctioned life of true pilgrimage? The answer: apologetics.

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APOLOGETICS

What is apologetics? The *locus classicus* for apologetics is I Peter 3:15. The verse encourages Christians to be prepared to make an *apologia*, which is rightly translated “defense” or to “give an answer” for our faith. One of the roles of a Christian living in the world is, among many other things, standing in defense of one’s convictions and especially the reality behind those convictions.

The noun “*apologia*” is used eight times in the New Testament, while the verbal form, “*apologeomai*,” is used 10 times. The term also has a legal connotation. “*Apo*” means

worry how you will defend yourselves or what you will say . . .” (Luke 12:11; 21:14). Western Christians may forget that for brothers and sisters all over the world, these words are not simply theoretical or hypothetical. It is the common daily experience of many believers outside the West to be summoned before authorities for the sake of their faith. China, for example, is one such place.

The preaching of the gospel is a “defense” in a very fundamental way. The Book of Acts records several examples of the apostle Paul making his defense of the faith, often before civil magistrates. In one incident, Paul justified himself while facing Governor Felix. “I know that for a number of years you have been a judge

stops at the negative, responding point for point to accusations, it has not finished the job.

A PILGRIM'S PATH

Additionally, while we must always be ready to justify our position, there is more. We must consider who we are and where we are going as part of our *apologia*. The apostle Peter, in his first book, gives us our identity and outlines how our destination should saturate everything we do.

Who are we? Peter characterizes the readers of his first letter at the outset as “elect,” “called out,” or “strangers of the diaspora,” spread around the different provinces (I Peter 1:1). They were pilgrims, as are we. In a fundamental way,

Rome, the ultimate worldly city. Peter was a fellow alien, living in the city that most represented the antithesis to the New Jerusalem. He was profoundly aware that the hope to be defended is the hope of the new heaven and the new earth. Likewise, we need to have good, solid arguments for those we meet along the path concerning the certainty of our destination in light of who we as Christians are in the world.

Peter also marshals theological themes connected with pilgrimage and identity from the Old Testament. For example, Peter describes the church as a chosen people, a royal priesthood and a holy nation, adapting Exodus 19:6 and Deuteronomy 7:6 to a New Testament reality (2:9a). In the

GLOBALIZATION IS THE UNPRECEDENTED MOBILITY OF CAPITAL, PEOPLE, AND IDEAS TO TRAVEL AROUND THE WORLD AND ACROSS CULTURAL BARRIERS.

“separation,” and in this case refers to absolving oneself. “*Logos*” refers to reasoning or arguments, using words for the purpose of self-justification. In classical Greek, as well as Koiné, an apology is an argument, often formal, and similar to a courtroom argument for getting oneself out of a charge.

The New Testament reminds us again and again that we should expect opposition because we are Christ’s church (Mt 5:10-12; John 15:19-29; Acts 9:5). We should not cultivate opposition or act paranoid, but standing for truth in any generation will not win friends any more than it did for Christ. Jesus comforted his disciples in view of their persecution by appealing to apologetics: “When you are brought before synagogues, rulers and authorities, do not

over this nation; so I will gladly make my *defense*” (Acts 24:10). What followed is a pattern for Christian apologetics, using arguments based on historical fact, obedience to the Jewish law, denial or provocation, and, most importantly, the centrality of the resurrection.

Paul also told the Philippians that his whole life’s work is characterized by “defending and confirming the gospel” (Phil. 1:7, 16). It is important to note the combination of defense (*apologia*) and confirmation (*bebaiosis*). The latter term means to prove, or to commend. Thus, the gospel is presented not only in a defensive manner but also in a positive, affirming manner. Defending and commending! That is full-orbed preaching. ***If apologetics only***

their identity is that of aliens and strangers (1:17; 2:11). It is one reason they were often persecuted. They were living in exile, away from home, and misunderstood by the host country (2:12; 3:16; 4:4, 14). Peter’s original audience was largely Gentile, as can be gathered from references to an “empty way of life handed down to you from your forefathers” (1:18). The readers’ pilgrimage began with an exodus from one place to another.

What is the destination? Pilgrims are on their way to a better place, rooted and grounded in a heavenly home, while being prepared for an imperishable inheritance when the glory of Christ is revealed (1:4; 4:13). Notice that Peter is writing from “Babylon,” a code word for

first case, the chosen people literally wandered in the wilderness until they reached the land of Canaan. In the second case, the church wanders from darkness into wonderful light (2:9b). The letter also alludes to Hosea 1:6, 9-10 and 2:23, and assures the readers that although they once had no real identity, they are now the people of God, having received mercy (2:10). He tells them the end of all things is near and that soon the glory of Christ will be revealed (4:7, 13; 5:1). The glory of God will never fade away but instead, will make us strong, firm and steadfast in the restoration (5:4, 10). These are all images of moving away from the former life of sinful desires to the new one of worship.

Until we are fully there, when we move from the



already to the not yet, we will need wisdom to know how to live in our temporary host country. Peter knows of no “left behind” disdain for the present world. Like Jeremiah, who encouraged the Jews in exile (Jer. 29), Peter tells his readers to “live such good lives among the pagans that, though they accuse you of doing wrong, they may see your good deeds and glorify God on the day he visits us” (2:12). He urges proper submission to authority, eschewing any thought of violent revolution (2:13-3:7). He urges harmony in the church (3:8-12). Above all, Peter’s theology of the diaspora is evidenced by his constant encouragement to persevere in the midst of suffering. Why do we suffer? We suffer for doing good (3:13). Suffering should not surprise us as it is the lot of aliens in a land which rejects our values (4:12-14). Satan himself, the evil lord of the land, is the ultimate persecutor, but he can be resisted by standing firm in the faith (5:8-9).

APOLOGETIC PILGRIMS

We must be wise in our dealings with “nomads” who inquire about our hope, as described in I Peter 3:15. Read the verse and notice how it begins and ends. It begins with the reminder that Christian apologetics ought to center on our identity as Christ’s people. Interestingly,

this passage is an adaptation from Isaiah 8:12-13, which powerfully calls upon Israel not to rely on Assyria, as Ahaz was urging them to do, not to fear the powerful of this world, but to fear only the Lord (Is. 7:4; 35:4). The unhealthy terror before people should be traded in for the proper, reverential fear of God. Peter applies this to his pilgrim readers, “Have no fear of them, nor be troubled” (I Peter 3:14 ESV). We should not fear our persecuting hosts any more than Israel should fear the Assyrians. Rather, we should trade that unhealthy terror for the proper fear of Christ, whom we set apart in our hearts (3:15).

It is the only proper beginning point for Christian apologetics. True preparedness will always mean sorting out our fears, in the heart. Unless we cherish Christ, we are bound to become co-dependent on our interlocutors. We will forget that we are pilgrims with a wonderful home to travel toward, a home we already possess in Christ. Just as Isaiah promises that the Lord will be a sanctuary, so Peter tells us to “sanctify Christ as Lord” (3:15) – declare Him holy Lord, the sovereign, true *sanctuary* from sin and evil. When we recognize that Christ is our refuge, we may be ready to give reasons for the hope that is ours.

Our passage begins with Christ, but it ends with a call for gentleness and respect. It is

tempting when we know we are right about the truth to disdain our hosts. Many immigrant people think themselves superior to their adoptive country. Often, this attitude has meant the conquest of its inhabitants. Christians, however, are not to advance the cause of truth with coercion, but rather with persuasion, while communicating respect. We uphold the dignity of our interrogators, even though we may know them to be on the road to destruction. If we really revere Christ, then we will let Him fight His own battles. It may be, too, that our enemies will become “ashamed of their slander” and themselves turn to faith in the Lord. They certainly won’t do that if we abuse them or dehumanize them.

Only when we understand the beginning, sanctifying Christ, and the end, dignifying our interlocutors, may we do the hard work of presenting proper arguments for faith. Only when we know ourselves to be pilgrims, on our

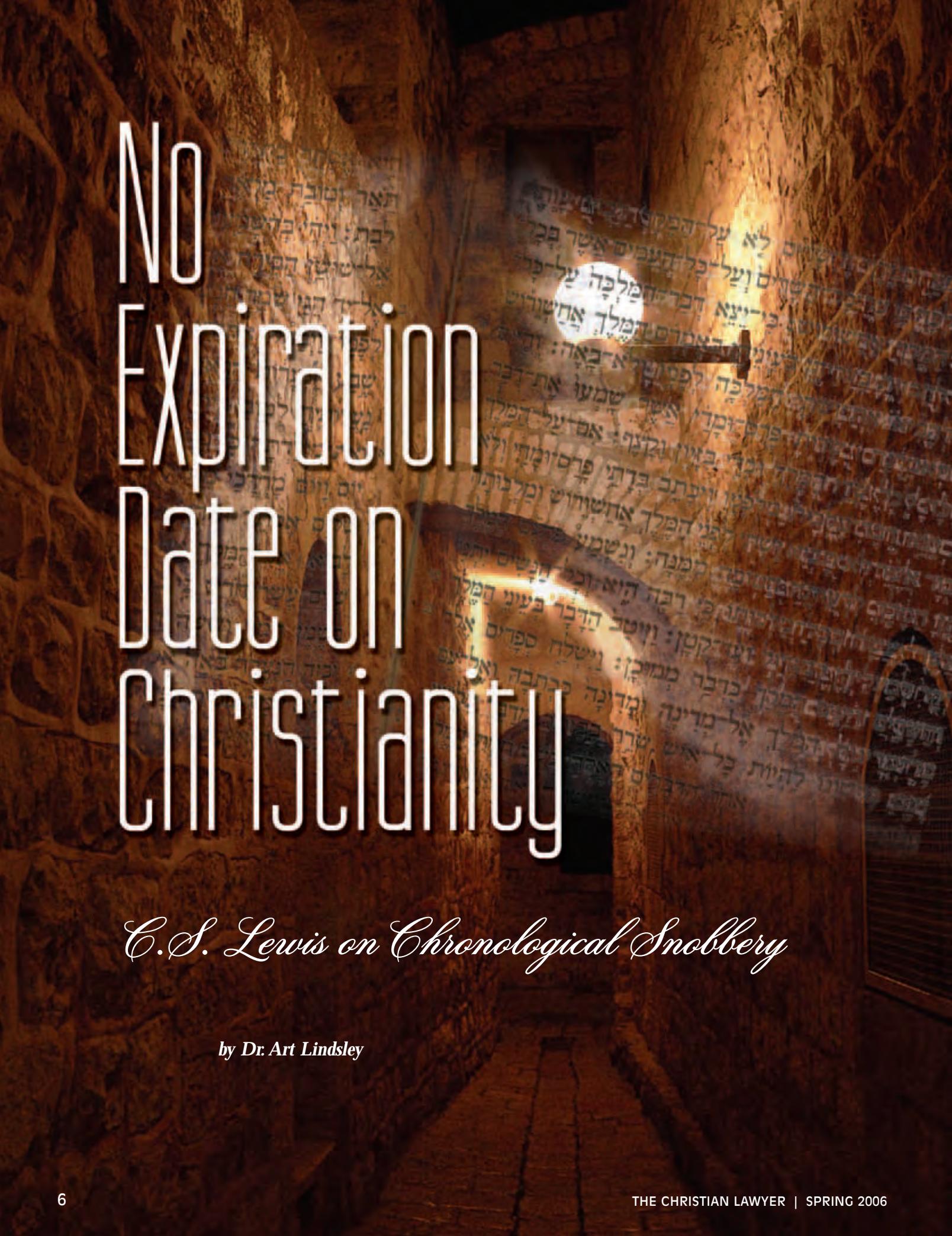
way from darkness to light, may we share the joy of that with others. Many apologetic

methods exist, but only a few of them truly begin with an awareness of the central problem of identity and meaning. A few of them place Christian hope at the center, rather than winning points. So often, apologetic methods consist of ten-step methods to arrive at a timeless abstraction, such as the existence of God. Think of what it could mean if more of us engaged in the apologetics of meaning! We would respect all earthly powers, while at the same time showing them how small they are. We could face persecution without denigrating our persecutors. We could commend the gospel because of its call to reside in a wonderful heavenly habitation. We could appeal to our fellow human beings to abandon being nomads and begin as pilgrims of hope.

ⁱ See *Millennium*, New York: Times Books, 1991.



William Edgar (D.Th., University of Geneva) is professor of apologetics at Westminster Theological Seminary. His published works include *The Face of Truth*, *Reasons of the Heart*, and articles on cultural apologetics and the music of Brahms.



No Expiration Date on Christianity

C.S. Lewis on Chronological Snobbery

by Dr. Art Lindsley

A frequent objection to faith in Christ is that it is old-fashioned or outmoded, a relic of the distant past that should be quickly discarded. What could a two-thousand-year-old faith say to us in the twenty-first century? C.S. Lewis raised the same objections at one time, questioning whether this ancient religion was relevant to our present day and age. Lewis eventually came to faith in Christ, but looking back, he later dubbed these specific objections as a problem of “chronological snobbery.”

Lewis defines chronological snobbery as “the uncritical acceptance of the intellectual climate of our own age and the assumption that whatever has gone out of date is on that count discredited.”ⁱ Lewis came to understand the need to ask further questions such as: Why did this idea go out of date? Was it ever refuted? If so, by whom, where, and how conclusively? Lewis realized the necessity of determining whether an old idea is false before you reject it. It is incorrect to say that everything believed in an ancient culture was false. The more important question is: Which things are false—and why—and which things remain true?

TAPPING INTO THE PAST

Lewis concluded that his age, like past ages, had its own characteristic illusions. The same is true today. We often take certain cultural assumptions for granted, unless they are questioned. The classic illustration is the frog in the kettle. If you put a frog in a kettle of water and slowly turn

up the heat, the frog adjusts to the rising temperature and, therefore, does not attempt to jump out—until it is too late. Similarly, we are affected by our cultural environment, but can be unaware of the significant impact being made on us.

Colossians 2:8 warns us not to be taken captive through “hollow and deceptive philosophy.” Some believers use this verse to justify avoiding the subject altogether, but it encourages just the opposite. The only way to keep from being taken captive by deceptive philosophy is to *be aware* of it. A person who avoids philosophy altogether could end up subscribing to an alien philosophy and not know it. Therefore, instead of rejecting ancient philosophies, we should seek the help of past ages to see our own times more clearly. Earlier cultures did not hold the same assumptions we hold today, and as we read books written in earlier times, we gain a helpful and clearer vantage point from which to see our present-day views.

Lewis advocated letting the “breezes of the centuries” blow through our minds by reading old books. In fact, Lewis made it a rule of thumb to read at least as many old books as new ones. Lewis wrote:

It’s a good rule after reading a new book never to allow yourself another new one till you have read an old one in between. If that is too much for you, you should at least read one old one to three new ones . . . Every age has its own outlook. It is especially good at seeing certain truths and especially liable to make

certain mistakes. We all therefore need the books that will correct the characteristic mistakes of our own period . . . None of us can fully escape this blindness, but we shall certainly increase it, and weaken our guard against it, if we read only modern books . . . The only palliative is to keep the clean sea breeze of the centuries blowing through our minds and this can only be done by reading old books.ⁱⁱ

G.K. Chesterton said, “Real development is not leaving things behind, as on a road, but drawing life from them, as from a root.”ⁱⁱⁱ In today’s culture, we seem to face a double danger: the danger of forgetting the decisive truth of Christ and the revelation of Scripture, and the danger of being caught up in this postmodern, relativistic moment and losing a secure hold on our faith.

Our desire is to relate to our contemporaries in a manner that is understandable and intelligible to them. We should not, however, be deriving our communication style from their modern or postmodern views. Instead, we can use the perspective of the past on our present.

TURN BACK THE CLOCK

Our contemporaries will eventually object, “Surely you are not asking us in the twenty-first century to ‘turn back the clock’!?” C.S. Lewis responds to this in *Mere Christianity*. He argued that the clock should be turned back if it is telling the wrong time or that if we have taken

the wrong road, we need to go back and take the right one as soon as possible. He also stated that if we started to do a math problem the wrong way, we would need to correct it before going further. Lewis writes:

... as to putting the clock back, would you think I was joking if I said that you can put a clock back, and that if the clock is wrong it is often a very sensible thing to do? But I would rather get away from that whole idea of clocks. We all want progress. But progress means getting nearer to the place you want to be and if you have taken a wrong turning, then to go forward does not get you any nearer. If you are on the wrong road, progress means doing an about-turn and walking back to the right road; and in that case, the man who turns back soonest is the most progressive man. We have all seen this when we do arithmetic. When I have started a sum the wrong way, the sooner I admit this and go back and start over again, the faster I shall get on. There is nothing progressive about being pigheaded and refusing to admit a mistake. And I think if you look at the present state of the world, it is pretty plain that humanity has been making some big mistakes. We are on the wrong road. And if that is so, we must go back. Going back is the quickest way on.^{iv}

You should not “turn the clock back” or return to past ideas solely for past’s sake; however, examples from ages past can show us both how *not*

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NO EXPIRATION DATE

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to do things, as well as how to do them properly. The classic proverb applies: If we don't learn from history's mistakes, we are bound to repeat them. Additionally, some wisdom and teaching needs to be preserved and passed on to future generations. Jesus struck the perfect balance between the past and the present. He was not a complete "revolutionary" - wanting to overthrow everything in the established religious order of his day. He

in his "Transmission of Christianity" essay:

...the sources of unbelief among young people today do not lie in those young people. The outlook they have—until they are taught better—is a backwash from an earlier period. It is nothing intrinsic to themselves that holds them back from the Faith.^v

In Lewis' time, professors and teachers were products of

postmodernism is so cynical, it tends to produce cynical students. Lewis maintains:

None can give to another what he does not possess himself. No generation can bequeath to its successor what it has not got. ...if we are skeptical we shall teach only skepticism to our pupils, if fools only folly, if vulgar only vulgarity, if saints sanctity, if heroes heroism.^{vii}

Christian one. The claim might be both a disqualification and a qualification of Lewis' authority as a speaker. It would be a disqualification because who would want to sit through a lecture on dinosaurs by a dinosaur? Lewis said, "You don't want to be lectured on a Neanderthal Man by a Neanderthaler, still less on dinosaurs by a dinosaur." However, the same claim might also qualify his authority, taken from another

IF YOU ARE ON THE WRONG ROAD, PROGRESS MEANS DOING AN ABOUT-TURN AND WALKING BACK TO THE RIGHT ROAD; AND IN THAT CASE, THE MAN WHO TURNS BACK SOONEST IS THE MOST PROGRESSIVE MAN.

certainly wanted to conserve the truth of Scripture. Jesus also was not a sole "conservative" - holding on to all the traditional practices of his day. Our Lord reacted harshly against places where traditions overturned or obscured the Scriptures. We need to follow His example. We need to sift through and keep the good things from our heritage and pass on its valuable inheritance to others - keeping the flame of faith burning brightly and passing the torch to succeeding generations.

ENSLAVED TO THE RECENT PAST

The ironic reality is that despite the numerous objections against turning the clock back, much that passes for the newest, novel philosophies is in fact actually a legacy of the past—primarily the recent past. C.S. Lewis points this out

the "post-war" (World War I) period. The beliefs of Lewis' contemporaries were passed on as the new, novel philosophies in the sixties. And the beliefs of the sixties tend to be the views passed on to today's young people. The trend will continue to future generations. Lewis reflects on this trend:

This very obvious fact—that each generation is taught by an earlier generation—must be kept firmly in mind. The beliefs which boys fresh from school now hold are the beliefs of the Twenties. The beliefs which boys from school will hold in the Sixties will be largely those of the undergraduates today. The moment we forget this we begin to talk nonsense about education.^{vi}

Likewise, the attitude and disposition of the teacher tends to be passed on to the student. Because the mood of

The contemporary "education" we receive is not as contemporary as it seems. The novelties of today are largely a legacy of the recent past; therefore, it is not a question of *whether* the past will affect us but *which* past—the recent past or more distant past. "Chronological snobbery" thoroughly and honestly applied would lead to the questioning of all of our new and novel philosophies. Unfortunately, those who object to or neglect past history tend to unknowingly be enslaved to the recent past.

THE DINOSAUR

Finally, we should not be afraid of being called old-fashioned, outdated, or dinosaurs. In his classic Cambridge inaugural address, *De Descriptione Temporum*, Lewis claimed to be part of the Old Western order more than the present post-

point of view. A dinosaur lecture might not prove to be illuminating, but it might tell us some things we would like to know, especially having never seen a live dinosaur. Lewis explained the "qualification" in the address:

And yet is that the whole story? If a live dinosaur dragged its slow length into the laboratory, would we not all look back as we fled? What a chance to know at last how it really moved and looked and smelled and what noises it made! And if the Neanderthaler could talk, then, though his lecturing technique might leave much to be desired, should we not almost certainly learn from him some things about him that the best modern anthropologist could never have told us? He would tell us without knowing he was telling.

...IT IS NOT A QUESTION OF WHETHER THE PAST WILL AFFECT US BUT WHICH PAST—THE RECENT PAST OR THE MORE DISTANT PAST.

Lewis claimed that he read ancient texts as a native that was living at that time. He would try not to read as a foreigner might read such texts. The practice admittedly made him a dinosaur. But although he might be disregarded as old fashioned, due to this practice, he also nevertheless might be useful as a specimen. Lewis also said at that Cambridge address:

...where I fail as a critic, I may yet be useful as a specimen. I would dare to go further. Speaking not only for myself but for all other old Western men whom you may meet, I would say, use your specimen while you can. There are not going to be many more dinosaurs.

In the end, people should not dismiss ideas solely because they are from ages past, and likewise, they should not readily accept ideas because they are new or novel. Lewis would encourage us to challenge those who reject Christianity because of its age, saying, "If you take your stand on the prevalent view, how long do you think it will prevail? . . . All you can say about my view is that it is old-fashioned; yours will soon be the same."^{viii}

- i C.S. Lewis, *Surprised by Joy*, (Harcourt Brace, 1984) pp. 207-8.
- ii C.S. Lewis, "On the Reading of Old Books," in *First and Second Things* (Collins, 1985) pp. 27-28.
- iii G.K. Chesterton, *As I Was Saying: A Chesterton Reader* (Eerdmans, 1985) p 267.
- iv C.S. Lewis, *Mere Christianity*, (Touchstone, 1996) pp. 36-37.
- v C.S. Lewis, "On the Transmission of Christianity" in *First and Second Things* (Collins, 1985) p. 64.
- vi *Ibid*, p. 65.
- vii *Ibid*.
- viii C.S. Lewis, *Experiment in Criticism* (Cambridge University Press, 1961) pp. 105-6.



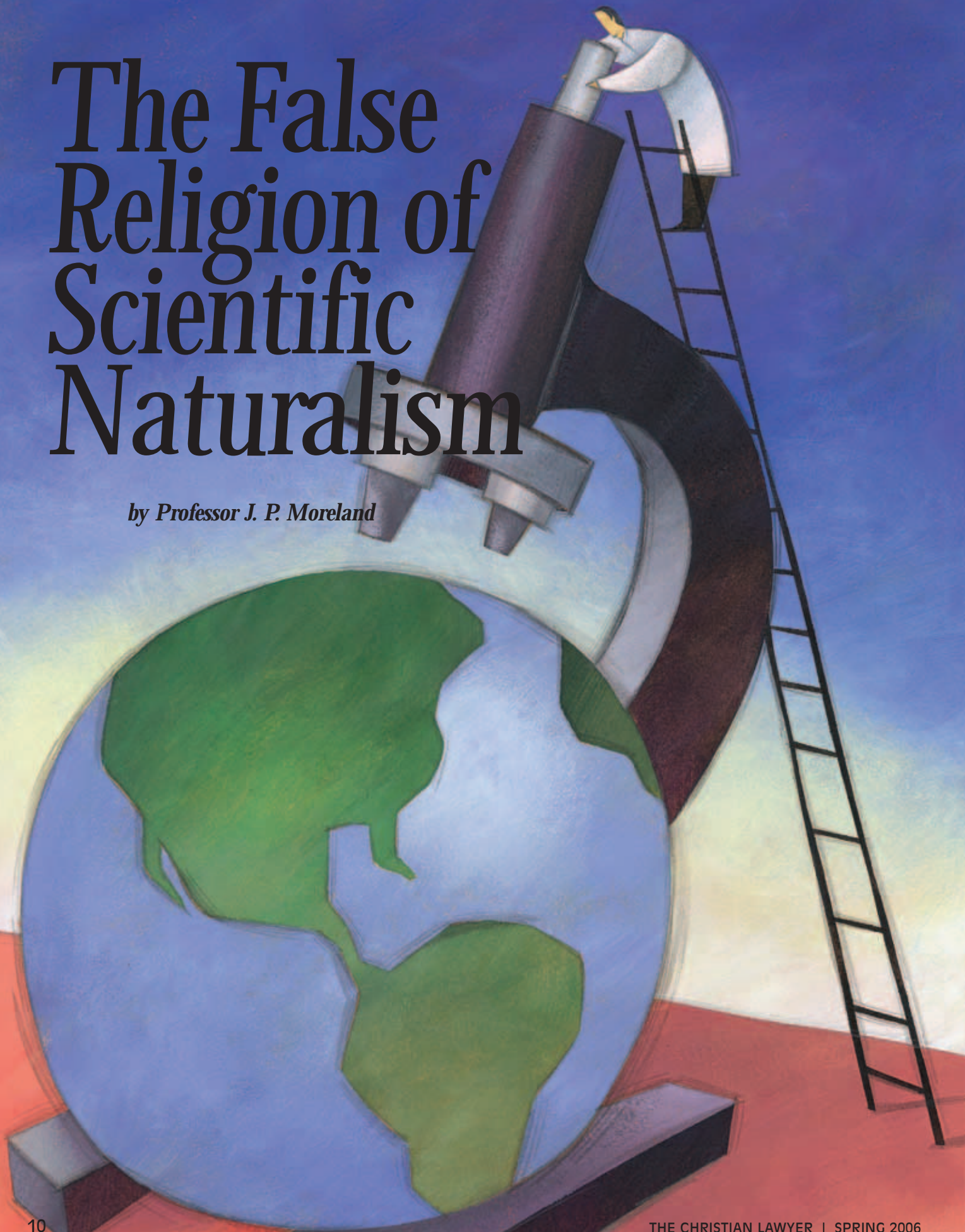
Dr. Art Lindsley is a senior fellow with the C.S. Lewis Institute. Formerly, he was director of Educational Ministries of the Ligonier Valley Study Center. He received his an M.Div. from Pittsburgh Theological Seminary, and his Ph.D. (Religious Studies) from the University of Pittsburgh. He is author of the books *C.S. Lewis's Case for Christ* (IVP,

November 2005), *True Truth: Defending Absolute Truth in a Relativistic World* (IVP, April 2004) and co-author with R.C. Sproul and John Gerstner of *Classical Apologetics*.



The False Religion of Scientific Naturalism

by Professor J. P. Moreland



Harvard sociologist Pitirim A. Sorokin claims, in his 1941 book *The Crisis of Our Age*, that cultures come in two major types: sensate and ideational. A sensate culture is one in which people only believe in the physical world they experience with their five senses. A sensate culture is secular, this-worldly, and empirical. The ideational culture, on the other hand, not only embraces the physical world, but also accepts the notion that a non-physical, immaterial reality can be known as well. The non-physical reality consists of God, the soul, immaterial beings, values, purposes, and various abstract objects like numbers and propositions. Sorokin claimed that a sensate culture eventually disintegrates because it does not have the intellectual resources necessary to sustain a

than just a philosophical debate. It is absolutely far-reaching, with crucial implications.

The dominant worldview that continues to shape our lives in western culture today is scientific naturalism. What is scientific naturalism and why do so many people accept its central creation myth - evolution - when the evidence for it is far from conclusive, even quite meager? Alternatively, Christians should be warned from thinking that theistic evolution is a benign option for believers attempting to integrate science and theology.

SCIENTIFIC NATURALISM?

Just what is scientific naturalism (hereafter, naturalism)? Succinctly put, it is the view that the spatio-temporal universe established by scientific

edge exhausts what can be known; if some belief (for instance, a theological belief) is not part of a well-established scientific theory, then it is not an item of knowledge. Weak scientism admits that some claims in fields outside of science (like ethics) are rational and justified. But scientific knowledge is taken to be so vastly superior that its claims always trump the claims made by other disciplines. *The first component of naturalism, then, is the belief that scientific knowledge is either the only kind of knowledge there is or an immeasurably superior kind of knowledge.*

The second major component of naturalism is a theory about the ultimate cause of things, a story that tells us how everything in the universe has come to be. Let's call this the "Grand Story." The central components of the Grand Story are the atomic theory of

of macro-changes (changes in medium-sized objects like frogs and chairs) in things are always in terms of micro-changes (changes at the atomic level) — causation starts at the bottom and works its way up, small to large, micro to macro. Second, everything that happens does so because of earlier events plus the laws of nature. *The second component of naturalism, then, is a story telling us that everything that's ever happened can be exhaustively explained in terms of earlier events and the laws of nature, and each particular event can be exhaustively explained by the combining of chemical elements, which in turn can be exhaustively explained by the combining of electrons, neutrons and protons.*

The third major component of naturalism is a theory about reality in which physical entities are all there is. God

...THE WORLDVIEW STRUGGLE RAGING IN OUR MODERN CONTEXT IS MORE THAN JUST A PHILOSOPHICAL DEBATE. IT IS ABSOLUTELY FAR-REACHING, WITH CRUCIAL IMPLICATIONS.

public and private life conducive to human flourishing. He concludes that if we can't know anything about values, life after death, God, and so forth, then there is nowhere that we can find solid guidance toward a life of wisdom and character.

Sorokin's claim should come as no surprise to students of the Bible. Proverbs tells us that we become the ideas we cherish in our inner being. Paul reminds us that we transform our lives through a renewed intellectual life. Scripture is clear that our worldview will determine the shape of our cultural and individual lives; therefore, the worldview struggle raging in our modern context is more

forms of investigation is all there is, was, or ever will be. Brains and buffaloes exist (for instance), but minds and moral values must not because they are invisible to the five senses and, therefore, invisible to scientific inquiry.

There are three major components of naturalism.

First, naturalism begins with an epistemology — a view about the nature and limits of knowledge — known as scientism. Scientism comes in two forms: strong and weak. Strong scientism is the view that we can only know things that can be tested scientifically. According to strong scientism, scientific knowl-

matter and the theory of evolution. According to the atomic theory of matter, the smallest parts of the ordinary physical universe (*i.e.*, the chemical elements listed in the Periodic Table) originate in the combining of protons, electrons and neutrons, and larger chunks of the physical universe (everything from rocks to planets) originate in the combining of chemical elements. According to the theory of evolution, lions, tigers and bears (oh, my!) originate in the combining of organic chemicals, and this is also true of you and me. The details of this Grand Story are not of concern here, but two broad features are of critical importance. First, explanations

and angels are just imaginary fictions. The mind is really just the physical brain, free decisions are merely the results of prior events plus the laws of nature, and there is no teleology or purpose in the world — *i.e.*, life is ultimately meaningless. History is just one ultimately accidental event following another. The world is simply one big cluster of physical mechanisms affecting other physical mechanisms. *The third component of naturalism, then, is the belief that the physical world is the only reality, that human existence is an accident of nature, and that there is no meaning to life.*

In sum, the three major components to naturalism are 1) scientism — the belief that

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FALSE RELIGION

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scientific knowledge is either the only form of knowledge or a vastly superior form of knowledge; 2) the belief that the atomic theory of matter and the theory of evolution explain all events; and 3) the belief that non-physical things do not exist and that the world is not here for any purpose.

EVOLUTION

So far, “evolution” is undefined in this article, but in real-

watchmaker thesis, but only if he limits God’s activity to that of a first cause, the being that tipped over the first domino, not knowing what would happen. For the theistic evolutionist to be both a theist and an evolutionist, he must believe in God, but think of God as no more than a being who sustains the world’s existence as history unfolds accidentally, according to natural law and “chance.”

Whether or not you agree with these statements, one thing seems clear. The certainty claimed for evolution and the ferocity with which

who reject the evolutionary story and act as though no informed, modern person could believe otherwise? The answer lies in two directions, neither of which is purely scientific or subject to verification by our five senses.

RELIGION VS. SCIENCE

First, the widely accepted intellectual authority of science, coupled with the belief that the Intelligent Design theory is religion (rather than science), means that evolution is the only view of the origins

tific theory in favor of the non-scientific one, given the sole intellectual authority of science, this is tantamount to abandoning reason itself. Because many think that Intelligent Design theory is religion masquerading as science, the creation/evolution debate turns into a controversy that pits reason against pure subjective belief and opinion. In the infamous creation-science trial in Little Rock, Ark. (December 1981), creation science was ruled out of public schools, not because of the weak evidence for it, but because it was judged reli-

...AT THE END OF THE DAY, THE EVIDENCE FOR NATURALISM IS UNDERWHELMING, AND CHRISTIANS SHOULD SEEK TO UNDERSTAND ITS ACCEPTANCE, NOT IN LIGHT OF THE EVIDENCE FOR IT, BUT IN LIGHT OF THE SOCIOLOGY OF OUR TIMES.

ity, it can be used to mean three different things: 1) the fact that organisms go through minor changes over time; 2) the idea that all life has a common descent; and 3) the blind watchmaker thesis. It is this third notion of evolution that is crucial to the naturalist. And it is precisely this sense of evolution that has far less evidence in support of it than is often realized.

The blind watchmaker thesis declares that the processes and mechanisms of evolution are solely naturalistic, meaning that they occur without the specific involvement of any deity. According to the blind watchmaker thesis, our “creator” is not a conscious designer like a watchmaker designing a watch. Rather, we have been created by a set of accidental physical processes that are not the result of intelligence and do not have any purpose behind them. So understood, a theistic evolutionist could accept the blind

belief in it is held go far beyond what is justified by scientific evidence and empirical testing. No one could digest Phillip Johnson’s *Darwin on Trial* (InterVarsity, 1991), Michael Denton’s *Evolution: A Theory in Crisis* (Adler & Adler, 1986), or *The Creation Hypothesis* (InterVarsity, 1994) (which I edited) without realizing that a serious, sophisticated case can be made against the blind watchmaker thesis even if one judged that, in the end, the case against the blind watchmaker thesis is not as persuasive as the blind watchmaker thesis itself. The problem is that most intellectuals today act as if there is simply no issue here and presume that if you do not believe in evolution, then you must believe in a flat earth or something equally absurd. Why is this? Why do so many people, including some well-intentioned Christians, heap so much scorn on creationists (young-earth and progressive)

of life that can claim the backing of reason. In our empirically-oriented culture, science (and science alone) has unqualified intellectual acceptance. On the evening news, when a scientist makes a pronouncement about what causes obesity, crime, or anything else, he/she is taken to speak as our culture’s sole authority on the issue at hand. When was the last time you saw a theologian, philosopher or humanities professor consulted as an intellectual leader in the culture?

All supposedly extra-scientific beliefs must move to the back of the bus where they are relegated to the level of private, subjective opinion. Now, if two scientific theories are competing for allegiance, then most intellectuals, at least in principle, would be open to all evidence relevant to the issue. But what happens if one of two rival theories is considered scientific and the other is not? If we abandon the scien-

tion and not science. Today, in the state of California, you cannot discuss creationist theories in science class for the same reason.

Almost all philosophers of science, atheist and Christian alike, agree that creation science is at least a science, and not a religious view, regardless of what is to be said about the empirical evidence for or against it. See *The Creation Hypothesis* (InterVarsity, 1994); *Christianity and the Nature of Science* (Baker, 1989); cf; Jonathan Wells, *Icons of Evolution* (Regnery, 2000). Suffice it to say that philosophical naturalists currently set the rules for what counts as science. The bottom line is this: philosophical naturalism is used to argue that evolution is science and the Intelligent Design theory “merely” religion, and that reason and rationality are to be identified with science. Thus, the empirical evidence for or against evolution is the only issue

when it comes to explaining why so many give this theory unqualified allegiance.

There is a second reason for the current over-belief in evolution: evolution functions as a myth for secularists. "Myth" in this context does not mean something false (though evolution is false) but, rather, a story of who we are and how we got here that serves as a guide for life. Evolutionist Richard Dawkins said that evolution made the world safe for atheists because it supposedly did away with the design argument for God's existence. In graduate school, my professor would say that evolution was a view he embraced religiously because it implied for him that he could do anything he wanted. Why? Given that there is no God and that evolution is how we got here, there is no set purpose for life, no objective right and wrong, and no punishment after death, so that one can live for himself any way he wants. Serial killer Jeffrey Dahmer made the same statement on national television. Dahmer said that naturalistic evolution implied that we all came from slime and will return to slime. So why should he resist deeply felt tendencies to kill, given that we have no objective purpose or value and there is no punishment after death? The argument is not that secularists cannot find grounds for objective purpose and value in their naturalistic worldview, though it is the case. ***The point is that evolution functions as an egoistic myth for many intellectuals who have absolutized freedom, understood as the right to do anything one wants. Philosophical naturalists want evolution to be true because it provides justification for their lifestyle choices.***

These are the two reasons for the widespread over-commitment to evolution and why it is primarily not a matter of evidence: 1) the identification of evolution as the only option on origins that claims the support of reason; and 2) the function of evolution as a convenient myth for a secular lifestyle. This is why people react to the Intelligent Design theory with hatred, disgust, and loathing instead of responding to creationist arguments with calm, open-minded counterarguments. This situation is tragic because it has produced a cultural log-jam in which philosophical naturalism is sustained as our source of cultural authority, protected from serious intellectual criticism and scrutiny.

THE LESSON

For Christians — especially those sympathetic towards or embracing theistic evolution — there is a lesson to be learned from all this and an application to be followed:

The lesson is this: The debate about creation and evolution is not primarily one about how to interpret certain passages in Genesis (though it is that). Rather, it is primarily about the adequacy of philosophical naturalism as a worldview and the sole authority of science, an authority that relegates religion to private opinion and presuppositional faith.

The application is this: Believers owe it to themselves and the Church to read works that present well-reasoned alternatives to evolution and to keep an eye on the broader implications of taking theistic evolution as a viable media. The acceptance of evolution is

not primarily because of empirical evidence, and evolutionary theory (in both its theistic and atheistic varieties) lacks the evidential grounding that warrants adjusting one's view of creation to harmonize with evolution. And theistic evolution may well be inadequate to stop our collective avalanche toward a thoroughly naturalistic culture.

Scientific naturalism is an inadequate worldview relative to Christian theism, mainly because the latter has greater explanatory power than the

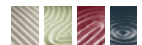
former. Additionally, science is largely irrelevant for weighing these rival worldviews, as 95% or more of the justified claims of science have nothing at all to do with supporting or critiquing Christian theism. Specifically, with rare exceptions, science is mostly neutral in this debate. Finally, at the end of the day, the evidence for naturalism is underwhelming, and Christians should seek to understand its acceptance, not in light of the evidence for it, but in light of the sociology of our times.



J.P. Moreland, distinguished professor of philosophy, Biola University, is also director of Eidos Christian Center. Dr. Moreland is the co-author of *The Lost Virtue of Happiness* (NavPress, 2006).

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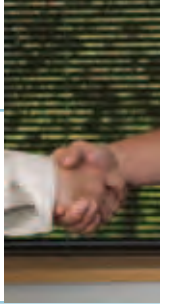
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MEMBERSHIP MINISTRIES

DISPUTE RESOLUTION



God, Conflict and Zealous Advocacy

by David Schlachter



A client is advising you that they have a disagreement with another party. The client believes the matter will be easily decided in his favor, if only someone would help him enforce his rights. “I don’t want you to spend a lot of money,” he says. “Just make the demand and get me what I’m owed.” In a separate transaction, an attorney representing the opposing party believes you’re dragging your feet and not acting in good faith to help the parties reach an agreement. He confronts you, expressing his disapproval and irritation.

Attorneys are trained to help people solve problems, usually by helping to resolve an existing or potential dispute. Problem-solving opportunities range from helping business clients negotiate transactions, advising estate clients on how to accomplish their goal of providing for their families, to helping clients navigate the paths of litigation. The way we view these opportunities, conflicts, and responsibilities will shape the advice and counsel we give our clients, as well as the witness we make to those around us. How can you, as a Christian lawyer, respond to these types of situations in such a way as to enhance your witness?

The World’s View of Dispute Resolution

The world’s approach to dispute resolution is ultimately premised on a culture of unbelief, manipulation, power struggles, unforgiveness, and a refusal to value relationships with each other or God over material issues. A recent review of contin-

WE SEND CONFUSING MESSAGES WHEN WE PROFESS TO BE CHRISTIANS BUT ADVISE OUR CLIENTS AND ACT NO DIFFERENTLY THAN OUR NON-CHRISTIAN COLLEAGUES.



uing education classes reveals that the object is to learn how to be the most effective “negotiator” to accomplish your client’s goal. They all focus on teaching techniques that help position you and your client to achieve the world’s definition of success.

We, as Christian lawyers, must start asking whether this worldview is consistent with God’s call on our lives before adopting this kind of worldview in our law practice. We send confusing messages when we profess to be Christians but advise our clients and act no differently than our non-Christian colleagues. We often adopt the world’s approach to solving our clients’ problems and issues by using our training and our human tendency to follow the path of least resistance. We then justify our actions by saying we must zealously advocate our clients’ positions and interests. Our clients live and work in the world, so we believe our only choice is to follow and adopt the world’s view but with more compassion, grace, and mercy. Our witness, however, is suffering as the people wonder whether there really is a difference between the Christian and non-Christian attorney. The result of our poor worldview is that people discount and reject our testimony of the power of Jesus Christ in the world and the everyday lives of our clients.

The Biblical View of Dispute Resolution

What is the Biblical view of the problems our clients face? What is God’s plan for addressing our clients’ issues, helping them consider options and choices, and assisting them as they seek to make wise personal and business decisions?

A Biblical worldview of conflict resolution, from litigation to mediation, must be based on God’s redemptive nature.

Scripture is replete with examples of people in conflict who need to assess their positions and resolve the conflicts and challenges before them. Scripture, in these situations, consistently and repeatedly focuses on reconciliation.¹

Our God is a reconciling God (Isa. 11:6-9; Eph. 2:14-18; Ex. 34:5-7; John 1:14). The driving force throughout Scripture is God’s desire to bring reconciliation between Himself and his people, brought to fulfillment through the death and resurrection of Jesus Christ. The ultimate goal of reconciliation is peace in all things (Col. 1:19-20).

God’s view of reconciliation does not start and end with a resolution of material issues. He focuses on the sins of relationship, seeking to reconcile relationships through peacemaking. The Christian worldview is based not on the world’s wisdom, focusing on selfish ambition and envy, but on peace, mercy, impartiality, and sincerity (James 3:13-18). We are called to be peacemakers (Matt. 5:9; 21-26; 38-48) and imitators of Christ (Eph. 4:24-5:2), making every effort to pursue peace (Ps. 34:14; Rom. 14:19; Heb. 12:14). This worldview requires that we shift the focus from ourselves to God and his reconciling power. We can adopt this worldview when we accept the ministry of reconciliation, which God gives each of us (2 Cor. 5:11-21), and apply it to how we advise clients and handle their conflicts.

We, as Christian lawyers (and non-lawyers), should embrace this view and apply it in our lives, but we often struggle with precisely how to apply it in our law practices. Nonetheless, we are called to incorporate God’s guidelines into both the personal and professional aspects of our lives (1 John 5:2-4; Luke 16:13). God does not ask that we acknowledge him only on Sunday or in church, but at all times and in all venues (1 Cor. 10:31; Col. 3:17).

Applying the Biblical View in Your Law Practice

We are faced with the question of whether we can zealously represent our clients while still focusing on relationships and God’s reconciling power. If we are willing to fully submit our law practices to God’s plan, then we can represent our clients and help them view their choices from a perspective that looks beyond their own interests. The Rules of Professional Conduct recognize that attorneys are to help clients consider their choices in light of moral and ethical guidelines.² Although applying God’s plan to our daily practice is not as simple as following a list of procedures, we must intentionally avoid following the world’s pattern of power and manipulation to win at all costs.

If the client is a professing Christian, any advice should include Biblical guidelines. When we advocate our client’s position before opposing counsel, likewise, we should adopt a Biblical approach. We should be humble, gentle in our instruction, and able to teach without resentment, allowing God to do the task of changing the heart (2 Tim. 2:23-24).

We should seek opportunities to encourage reconciliation between our clients and others, as well as between our-

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selves and other attorneys. We should testify of God's plan of redemption and reconciliation by resolving disputes in a Biblically faithful manner. When relationships are preserved or restored, despite serious material disagreements and issues, God is glorified because people see examples of His reconciling power and are drawn to this need in their lives.

Sharing the Gospel by Resolving the Dispute

Redemption and reconciliation are frequently the result when legal conflicts are resolved according to Biblical guidelines. In a recent dispute between two parties to a contract, the parties initially followed the world's approach, seeking to manipulate each other using verbal attacks, litigation, and public accusations. They even agreed to seek help through Christian Conciliation, but they continued to find a way for the other to give in or be told what needed to be compromised to settle the material issues. They ignored the underlying sin issues: the broken relationship, anger, bitterness, gossip, and damaging

public allegations. These often unresolved issues prevented the parties from seeking restoration of their relationship and diminished their witness, leaving their reputations damaged and their faith in question.

They finally agreed to a Biblically faithful approach that addressed the underlying relationship issues at the core of the dispute. When the parties discussed how their decisions and actions led to the conflict over the material issues, they willingly confessed their sinful attitudes and actions and embraced repentance and forgiveness. The result was not only an agreement on the material issues, but also a restoration of the relationship with the glory being given to God. Their previous actions had resulted in public statements that called into question whether believers resolve disputes any differently than non-believers. The settlement, however, addressed both the material issues and resulted in a joint, public statement that acknowledged both sides' failure to be obedient to God, proclaimed the reconciling power of God's plan, and gave the praise and glory to God.

The above example is only one of many

that illustrate God's faithfulness when we intentionally chose to act according to His plan versus the world's. The decision to follow a Biblical approach to conflict, however, is applicable not only after the disagreement rises to the level of litigation but also when the dispute is between Christians. Every time we are asked to advise a client on a business, personal, estate, or other issue, the client is faced with competing interests and positions. How we advise them and direct the evaluation of their options and responsibilities, before a recognized disagreement results, is as important as advising them once a conflict has surfaced.

As illustrated in the above example, the application of Biblical principles to how we advise clients and resolve disputes in our daily practice requires an intentional submission of our decisions and actions to God's Word. God's plan for our lives does not automatically happen when we proclaim our faith in Christ or because we publicly acknowledge that we are Christian attorneys. It is a daily walk in which we practice the spiritual disciplines

WE SHOULD SEEK OPPORTUNITIES TO ENCOURAGE RECONCILIATION BETWEEN OUR CLIENTS AND OTHERS, AS WELL AS BETWEEN OURSELVES AND OTHER ATTORNEYS.



of prayer and reading God's Word, so it is a fresh and daily part of our decisions and actions.

Christian lawyers are called to faithfully apply God's plan for resolving conflict, as evidence of our obedience to Christ, and as witnesses that we are his disciples. This witness should occur in our law practices, our lives, and our relationships, ultimately giving glory to God. I challenge you to try it. Step out in faith and see what God has in store for you and your clients!

- i See Gen. 1:26-27; 2:15-17; 3:15; Isa. 9:6-7; Rev. 12; 19; 21-22.
- ii Model Rules of Professional Conduct, Rule 2.1: "In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law, but to other considerations such as moral, economic, social or political factors, that may be relevant to a client's situation."



David D. Schlachter serves as the director for the Institute For Christian Conciliation for Peacemaker Ministries, overseeing the delivery of mediation and arbitration services and advanced con-

ciliator training through the Certification Program. David practiced law for 26 years in Denver, Colorado, specializing in business, real estate, and commercial litigation, before joining the Peacemaker Ministries staff last year.

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Toward A Reasoned Defense of the Peculiarly Christian Law Student

by Professor Michael Schutt



A Dallas pastor recently told me he had never met a group as apologetic about their jobs as Christian lawyers. “Every time one gets up to speak to a Christian group, he apologizes for being a lawyer or makes a derogatory joke about being there.” When we talk about apologetics in law, this is not the example we need! The pastor’s insight, however, certainly exposes the absence of any effective apologetic—a reasoned defense—of the life and work of the Christian lawyer.

Unfortunately, Christian law students are no different. They are not confident in their ability to live a life of faithful witness in the law, and they are no more capable of articulating a defense of such a life than the lawyers described by the pastor. Christian law students need a well-articulated apologetic now—while in law school—if they

are to have confidence in their calling to serve Christ in the profession.

Peculiar Students?

A reasoned defense of the particular calling of the Christian law student is indeed possible. Of course, much depends upon what we mean by “Christian law student.” The first epistle of Peter reminds us we are a chosen people, set apart by God’s mercy for Him.¹ The King James renders us “peculiar people,” meaning those for God’s own possession. A Christian law student, then, is set apart, different, *peculiar*. Being a *peculiar* law student must mean something more than simply carrying a Bible, desiring to “fight for our religious liberties,” or seeking to empower the powerless and advocate for the poor. It should include all

of those things, of course, but it is also more than that. A peculiar student is one possessed by God for His service, seeing every surrounding and circumstance through the light of God’s truth. It means seeing law as a calling—vocation—to love one’s neighbor, rather than as a summons to amoral gunslinging on behalf of various clients. Peculiar students seek Christian mission in an office practice, government service, or litigation. Peculiarly Christian students seek truth in the law, viewing tort rules, contract law, and the criminal system in light of the teachings of the church and the revealed Word of God. Peculiar students pursue Christ beyond mere propositions; they seek truth through stories, symbols, and relationships.

A majority of students I meet, however, are unconvinced it is possible in our society to be both an effective student *and* a peculiar student. They wonder, too, whether the pursuit of expressly Christian scholarship in the law is even necessary. These students raise important questions that are fundamental prerequisites to a peculiar Christian discipleship in the law. Put simply, their questions are “Why bother?” and “Is it right to do that in a pluralist society?”

The answer to the first question is that we ought to pursue truth, beauty, and goodness in the life of the law because *we were created to do so*. The answer to the second question must dispense with the *myth of the secular society*. These answers are a necessary foundation to any full-fledged defense of the life of faith in the law. They also provide a reasoned defense of both the

CHRISTIAN LAW STUDENTS NEED A WELL-ARTICULATED APOLOGETIC NOW—WHILE IN LAW SCHOOL—IF THEY ARE TO HAVE CONFIDENCE IN THEIR CALLING TO SERVE CHRIST IN THE PROFESSION.

necessity and the wisdom of developing and then embracing an explicitly Christian approach to the student's life in the law.

We Were Created To Pursue Truth, Beauty, and Goodness

A friend of mine who teaches law at a top-tier school was recently asked by a student why we spend class time discussing “policy” issues. In other words, why should students care about underlying principles? My friend replied that discussing policy helps us to understand the law better. More importantly, he also noted that caring about the reasons behind the law makes one a better person. It is as simple as that. This is a central question to our calling as students of the law: will we pursue truth and goodness in the law, embracing our highest calling as human beings created in the image of God, or will we reject that calling by considering truth and goodness as not worth pursuing?

Medieval theologians had a name for that rejection of our calling: *acedia*, one of the seven deadly sins. We translate it today as “sloth,” but that doesn’t even begin to capture its essence. *Acedia*, the Latin term from which sloth is eventually derived, means sluggishness or apathy, but in a particularly spiritual sense:

[*Acedia*] meant especially this: that the human being had given up on the very responsibility that comes with his dignity: that he does not want to be what God wants him to be, and that means that he does not want to be what he really, and in the ultimate sense, is.ⁱⁱ

Aquinas called *acedia* “sorrow about spiritual good,”ⁱⁱⁱ a sorrow in which we “look upon some worthwhile good as impossible to achieve.”^{iv} In other words, rather than embracing God’s call to pursue “good” in all we do, we say simply “Nah. No thanks. It’s not worth it.” *Acedia* is the sin of failing to seek beauty, goodness, and truth as we

were created to pursue them; it is the rejection of God’s call on one’s life. For law students, it’s the refusal to engage the law with the mind of Christ.

We are all tempted to reject our calling, and it is indeed difficult to seek Biblical truth in our scholarship and practice, especially under the time demands of law school, but ***we must resist the lie that we are too busy for it to be worth our precious time.*** The deadly sin is to decide that truth in law is not worth seeking, that God does not call us to love our neighbors in our practice or to apply His word to what we do every day in our ordinary work.

The temptation to *acedia* also is great when law school assures us that there is no moral order to the universe, and that law cannot be called either “true” or “false.” Yet law does make truth claims—about the nature of the human person, about punishment, even the nature of the law itself, for starters—and the substance of those claims matters. Of course, we may have trouble getting to the truth and sorting out our different presuppositions. But to cave in and announce that it is not worth the trouble—that is sin. That is *acedia*.

Myth of the Secular Society

I recently gave an address to a student group on this issue, in which I argued that there are true ways and false ways to study and practice law. A student approached me afterwards and noted that, while what I said was perhaps true in the abstract, she was concerned that Christian truth is inappropriate in the secular realm of law, especially because we might be perceived as forcing our religion onto others. After all, she said, “we live in a pluralistic society.” She was essentially asking whether it is legitimate to develop a vision for life in the law in traditionally Christian terms.

She is not the first student to raise this concern in the face of a challenge to think Christianly about what we do as lawyers



and law students. In fact, most law students I meet are skeptical of the wisdom of articulating approaches to law and legal institutions that rely on a “religious” understanding of the world. Most of these concerns are related to the belief that we live in a society that prizes pluralism and religious tolerance and, therefore, that anything that sounds intolerant or religious must be off-base in public discussion.

We are mistaken, however, if we believe that the existence of pluralism means that we live in a purely *secular* society, where religious neutrality reigns. As Lesslie Newbigin eloquently established in his 1989 classic, *The Gospel in a Pluralist Society*,^v the idea of a secular society is a myth, and the pluralistic ideal is misunderstood. To begin with, one of the key elements in our supposedly secular society is the separation between the private and the public human being—“a concept of the human person which separates morals from public life.” The very nature of society renders this impossible, argues Newbigin:

The way societies behave, and the policies they accept, will be a function of the commitments the members of society have, the values they cherish, and—ultimately—the beliefs they hold about the world and their place in it.^{vi}

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LAW STUDENT MINISTRIES



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In short, all of our aims and policies—seemingly neutral positions of the culture—are based on deep-seated beliefs and values. Fundamental notions of the nature of the human person and its place in the universe, the nature of law, and the obligations of the state all flow from moral and religious convictions supposedly outside the competency of the secular society.

Consider, for example, the work of committed secularist Richard Posner, a prolific and eloquent legal theorist at the forefront of law and economic theory. In *Law, Pragmatism, and Democracy*, he begins by explaining that philosophical pragmatism is the best foundation for pragmatic legal theory, and he explains why he finds certain fundamental theses “most congenial” to his approach:

Since we are just clever animals, with intellectual capabilities oriented toward manipulating our local and physical environment, we cannot be optimistic about our ability to discover metaphysical entities, if there are any (which we cannot know), whether through philosophy or any other mode of inquiry. We cannot hope to know the [metaphysical] universe as it really is Renouncing the quest for metaphysical knowledge need not be cause for disappointment, however, because it means that . . . there is no deep mystery at the heart of existence. Or at least no deep mystery worth trying to dispel and thus worth troubling our minds about.^{vii}

Judge Posner, in just these few sentences, makes religious pronouncements on the nature of the human person, the end and limits of human knowledge, and the value of seeking the mystery at the heart of existence. This is not “secular” legal theory, it is moral anthropology and theology. And this is just one portion of one paragraph of the introduction!

The fact that these “secular” points of view are rooted in fundamental beliefs and moral values is rarely articulated. Newbigin explains:

It is widely believed in our society that

to introduce the name of God into the discussion of a public issue, or into an academic study, is to intrude a private opinion into a sphere which is governed by other criteria. These other criteria are not normally brought into the open for scrutiny.^{viii}

This is certainly consistent with Dean Roger Cramton’s famous claim, almost three decades ago, that the “prevailing religion” of the American law school classroom is almost never openly articulated, but simply lurks behind all that is said and done.^{ix} Because this value system is taken for granted, it is difficult for the novice to detect its presence or address it.^x

On that score we should be invigorated by Judge Posner’s approach. It is refreshing to read, for a change, an honest articulation of the importance of moral anthropology, epistemology, and theology as a foundation for legal theory! What a strong testimony to the metaphysical nature of our inquiry into the true purpose of the law. What a great invitation to discuss the nature of the human person and our ability to grasp metaphysical problems and bring reason and faith to the law. What better example of the necessity of religious commitments to legal inquiry than Posner’s own statements?

Moving toward an apologetic of the peculiarly Christian law student, then, starts with recognizing and then rejecting the secularizing impulse to privatize virtue and faith commitments.

To call men and women into discipleship of Jesus Christ is and must always be central in the life of the Church. But we must be clear about what discipleship will mean. It cannot mean that one accepts the lordship of Christ as governing personal and domestic life, and the life of the Church, while another sovereignty is acknowledged for the public life of society.^{xi}

In rejecting the myth of the secular society, we emphatically reject the false compartmentalism between the public lawyer and the private person, and to do

so, we must awake to the fact that we live not in a secular society without religious faith, but in a society that has faith in “gods that are not God.”^{xii}

Conclusion

Christian students who desire to think faithfully about their calling as followers of Christ in law school have a two-fold task before them. First, they must cheerfully affirm the responsibility to seek the true, the good, and the beautiful—even in the law!—that comes with being created in the image of God. Second, they must reject the myth of the secular society and embrace the challenge of a discipleship relationship with Christ. Tall orders. And this is only the beginning of the faithful walk of the Christian lawyer.

- i I Peter 2:9 (ESV): “But you are a chosen race, a royal priesthood, a holy nation, a people for his own possession, that you may proclaim the excellencies of him who called you out of darkness into his marvelous light.”
- ii Josef Pieper, *Leisure the Basis of Culture* 28 (Gerald Malsbary, trans., St. Augustine’s Press 1998) (1948).
- iii Peter Kreeft, *Back to Virtue* 153 (Ignatius 1992).
- iv *Summa Theologica* II-II, 20, 4.
- v Leslie Newbigin, *The Gospel in a Pluralist Society* (Eerdmans 1989).
- vi *Id.* at 218.
- vii Richard A. Posner, *Law, Pragmatism, and Democracy* 4-5 (Harvard 2003) (footnotes omitted).
- viii Newbigin, *supra*, at 217.
- ix Roger Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. Leg. Ed. 247 (1978).
- x Cramton found that the “essential ingredients” of the “unarticulated value system of legal education” include a “skeptical attitude toward generalizations; an instrumental approach to law and lawyering;” and “a faith that man, by the application of his reason and the use of democratic processes, can make the world a better place.” *Id.* at 248.
- xi Newbigin, *supra*, at 220.
- xii *Id.*



Michael Schutt is the director of the Institute for Christian Legal Studies, a cooperative ministry of the Christian Legal Society and Regent School of Law, where he is an associate professor.



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Trusting God Beyond Understanding

A Story of the Power of Salvation

by Kyle D. Netterfield

Volunteering at Seattle's Union Gospel Mission Legal Services Clinic for the past six years has allowed me to counsel dozens of homeless and hurting men and women. Not one has touched my life like James Noriega.

Many people seeking help at the clinic are in the midst of a very tough life. In 2000, however, things were different as I listened to James tell me his story. He explained how he grew up in a small coastal town near Seattle, married his high school sweetheart, Linda, and built a house where they lived with their two children, Molly and Richard.¹ He was "Joe six-pack," who worked as a crane operator in a Navy shipyard.

Tragically, James started consuming far too many six-packs, and Linda's heart grew cold. She eventually asked for a divorce. James was devastated and let his life spin out of control. He was heart-broken and allowed himself to creep further into self-indulgence, eventually becoming addicted to methamphetamines. The addiction worsened over the next two years. He neglected Molly and Richard, lost his job, stole from friends and family, and associated with very bad people. On the rare days when he was clean and sober, he took his visitation rights seriously, but those days became fewer and fewer.

After several encounters with the criminal justice system, James' last true friend took him to the ferry terminal, and sent him to Seattle to get help. James arrived in Seattle stoned, broke, and homeless, with no idea where to go. He had spent a few days wandering the streets when he came upon a group of men lined up outside an



old building. He had nothing better to do, so he got in line with them. The line took him into Seattle's Union Gospel Mission Men's Shelter, where he got a warm meal and heard the Gospel. Jesus met him there. The night turned into a week and then into a nine-month program of addiction recovery and discipleship training.

He was in the middle of the program when he received notice that Linda had petitioned the court to terminate his parental rights so her new husband could adopt Molly and Richard. It is this issue that brought him into the clinic on the Thursday afternoon that I met him. What could he do to get his kids back?

The situation was way over my head as a third year lawyer with no experience in family law, as well as being far beyond the

scope of what the clinic typically handled. The calling was unmistakable to my spirit, however, as I knew I must invest in James. I worked with the clinic director to try to find more experienced *pro bono* help for James. The process confirmed I was it. My firm gave me permission to take James' case, despite knowing that we had an uphill battle and no chance of payment.

My head was full of questions. Was James' faith sincere? Was his recovery real? After all, he had only been off the street a few months. Would he stay in the program or would he relapse? Everyone knows that most people addicted to meth relapse. Was it good for him to get his children back – or would they be better off with their "new dad?" Was I competent for this case? What would it do to James' faith if I lost? Was this fair to my firm? While my head was full of doubt, my heart was clear. So, I agreed to take his case and began preparing for trial.

At the same time, James' spiritual journey took him back to his hometown to be baptized. When he came out of the water, he was greeted by several sheriff's deputies who arrested him on 18-month-old charges of possessing and dealing narcotics.

Now what? With his record, James was sure to spend several years in prison. How could I possibly convince the judge that he was reformed and ready to take care of his children, when he was locked up in prison on drug charges?

James received a public defender and, following significant effort and prayer, he accepted a plea deal that would get him out after several months rather than several years. We were ecstatic – there was hope



Kyle and James

again. With trial now only a few weeks away, preparations would all have to be done in jail. But we knew God put up this test to show us He was strong and in control.

Then, ten days before trial, James was suddenly transferred to a correctional facility a hundred miles away to serve out his sentence. This could not be happening! He had to be here for trial. After more effort and prayer, he was transferred back to the county jail. Again, it felt like God had brought us over another hurdle to show us He was in control – surely we would win!

The trial went very well. Several excellent witnesses testified on James' behalf, including his counselors from the Mission and Linda's grandmother. The *guardian ad litem* from the divorce even supported our position. All of our exhibits came in, and we presented ample evidence to show how the high burden for terminating parental rights had not been met. At the close of trial we were optimistic. God's hand was clearly in it, and we were ready to give Him all the glory for winning.

Amazingly, we did not win. The judge found that the Mission's recovery program was ineffective and that James was not rehabilitated. She found that neither James nor his witnesses were credible and held that the "best interests of the children" were to keep James out of their life. In the end, she terminated his rights. Our last hope died when the judge entered scathing findings of fact, carefully tailored to eliminate the possibility of appeal. Neither James nor I will ever forget the day I called him in prison and told him it was over. An appeal wasn't possible. He was no longer Molly and Richard's legal father.

How could we lose when God was so clearly on James' side? We had been obedient and done our very best. God opened doors and cleared the way for a good trial.

This outcome was not possible. Was it all a waste of time? Had I misunderstood what God asked me to do? I was no longer worried just about James' faith; my own was shaken.

But God is strong in our weakness. While in prison, God empowered James with a message of repentance and allowed him to introduce many men to Jesus Christ. When his sentence was up, he returned to the Mission, finished the program, and completed a second one-year training course. The Mission actually hired him full-time to lead one of their programs.

I have since had the joy of introducing James to a pastor friend who started a church where James now serves as a small-group leader. Last year, my family and I witnessed his marriage to Jeanna, whose 11-year-old daughter delights to call James

"Dad." He just completed his first year of seminary and dreams of starting a ministry to help men transition from life in the Mission back into the world.

We get together occasionally for lunch or holiday meals with our families and continue to pray for reconciliation with Molly and Richard, trusting that God's plan is still being revealed. Many of my questions are still unanswered, but I have no doubt God called me to invest in a homeless, recovering addict named James. God used him to show me the power of the Gospel for the salvation of everyone who believes.

i Not true names

Mr. Netterfield is a partner at Ellis, Li & McKinstry PLLC in Seattle, Washington.
Email: knetterfield@elmlaw.com

MOTHERS AND DAUGHTERS

by Robert Anderson, President of Christian Legal Aid Office, Orange County, CA

Susan did not understand how her life had gotten so out of control. She was almost 30 years old and a single mother. The only bright spot in her life was her five-year-old daughter. Susan lived at home with her Christian mother, fought bouts of depression, and was trying to get her life in order. Sadly, it was not getting any better.

Susan had suffered from severe TMJ (a joint disease) since childhood and took pain medication daily. She would often take too much medication, which ultimately led to her criminal charges. Susan finally lost all custody and visitation rights with her daughter after she was convicted. Susan nearly lost all hope. She had no idea how to begin fighting to see her daughter again without any money.

Susan spent more than a year getting her life back in order, even while suffering through deep bouts of depression because of the loss of her daughter. Susan's mother knew her daughter had to somehow regain visitation rights again.

They both finally came to visit the Christian Legal Aid office, as Susan had no money and her mother lived paycheck to paycheck. She received hope, prayer, and a commitment by the CLA office to file appropriate court papers *pro bono* for visitation with her daughter. Susan also received clear, practical advice about what to do in her personal life, including encouragement to attend church every week and to keep pursuing a job.

Last December, the court ordered that Susan's visitation rights be restored starting in January. The court also appointed a child psychologist to make recommendations regarding visitation and custody. At the time of this writing, Susan had a first joyous visit with her daughter. The child psychologist even stated that her daughter should have never been taken from her in the first place and asked if she had been represented by an attorney at the earlier hearing. (Susan had no money and no attorney when the child was taken from her.) Thanks to the hard work and prayers of volunteer Christian attorneys, Susan and her daughter have a joy and hope that had seemed impossible. Life for Susan is finally getting better. Glory to God.



Susan and the first visit with her daughter.



The Establishment of the Church of the Left

AMERICA'S NEXT GREAT ESTABLISHMENT CLAUSE BATTLE

by David French and Cody Groeber



The Establishment Clause and the advocates for its jurisprudence are facing a new test. A trend is beginning to take shape. The neutrality toward religion is beginning to lean. In the past, any leans to the right caused an uproar. Oddly, recent leanings in the other direction are causing so little uproar from the left that the silence is deafening.

The Dover Case

On December 20, 2005, the United States District Court for the Middle District of Pennsylvania struck down the Dover (Pennsylvania) Area School District's requirement that ninth grade science teachers discuss "Intelligent Design" as an alternative to the theory of evolution. According to the Court, the purpose of the requirement was to promote a reli-

gious alternative to a secular scientific theory and, therefore, constituted an improper state "endorsement" of a religious point of view.

Within minutes of the announced decision, the case headlined CNN.com, made the front pages of newspapers across the country, and was soon the "most e-mailed story" in the *New York Times*. The popular liberal online news magazine *Slate* declared, "Intelligent Design Is Dead. What'll They Think of Next?"

Amidst all the hysteria about state establishment of religion, it is important to focus on the heart of the Dover case – a brief statement science teachers were required to read to biology classes at Dover High School. The controversial portion follows:

Because Darwin's Theory is a theory, it continues to be tested as new evidence

is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

Intelligent Design is an explanation of the origin of life that differs from Darwin's view. The reference book, *Of Pandas and People*, is available for students who might be interested in gaining an understanding of what Intelligent Design actually involves.

With respect to any theory, students are encouraged to keep an open mind. The school leaves the discussion of the Origins of Life to individual students and their families. As a Standards-driven district, class instruction focuses upon preparing students to achieve proficiency on Standards-based assessments.

That's it. This is the statement that caused the secular establishment to tremble in fear of a long, dark, theocratic night. It does not state that Intelligent Design is true. It encourages students to "keep an open mind." It is hardly the stuff of the Inquisition. Yet, this statement was not only found to violate the Establishment Clause, the judge's 139-page opinion tore the statement apart piece by piece "in the hope that it may prevent the obvious waste of judicial and other resources which would be occasioned by a subsequent trial." In other words, the statement must not only be defeated – it must be defeated so completely and thoroughly that all other school boards would be deterred.

What if the "Dover Statement" is not the only official state religious endorse-

**AS THE NEXT LEGAL CHALLENGES ARE FILED, THE RESPONSES OF
THE ACLU, CITIZENS UNITED FOR THE SEPARATION OF CHURCH AND STATE,
AND THE FREEDOM FROM RELIGION FOUNDATION WILL
BE INTERESTING AND ILLUMINATING.**

ment in America? What if, in fact, there are many other endorsements far more explicit – endorsements that did not ask students to “keep an open mind” but instead explicitly supported one theological view and mocked another? What if those endorsements were disseminated to students on a massive scale at schools across the United States? Should there be outrage? Shouldn’t the left wring its hands in fear of theocracy? Not if the religious statements *come from the left*.

The Church of the Left

It is rightly argued that the modern American culture war is truly a battle of religions – the war between adherents of orthodox Judeo-Christian principles and those who belong to the “Church of the Left” (to borrow a term coined by, among others, David Horowitz and Stanley Kurtz). Therefore, it is not surprising that the Church of the Left would eventually begin using explicitly religious language and use state institutions it controls to deliver that message. The subject of that religious language is one of particular relevance in the culture wars: homosexual rights.

Universities stretching from coast to coast have created GLBTQ (“Gay Lesbian Bisexual Transgendered Questioning”) centers or offices. They are typically run under either the Dean of Students office or the school’s office of multicultural affairs. The centers, as part of the effort to “normalize” homosexual behavior, print and distribute a wide variety of literature that seeks to overcome any moral, cultural, or religious objections to homosexuality. The literature speaks in explicit religious terms. It often mocks orthodox faith and endorses liberal religious organizations as the proper sources for religious instruction.

The University of Michigan publication “What Is an LGBT Ally?” answers the “Common Misconception” that “Homosexuality is immoral” by stating:

Some texts of the Old Testament are used to condemn homosexuality. Taken literally and out of context, Biblical passages can be used to justify slavery, prohibit the wearing of red dresses and eating of shrimp and shellfish, and to reinforce the inferiority of women.

The University of California at Berkeley takes the next step. It characterizes conservative religious views as “intolerant” and directs students to state-approved religious organizations:

While some places of worship and religious denominations are intolerant of people with different sexual and gender identities, others are very accepting, including Reform Judaism, Unitarian Universalists, the United Church of Christ, the Society of Friends (Quakers), and the predominantly GLBT Metropolitan Community Church.

The University of North Carolina at Chapel Hill, Texas A&M, the University of California at Berkeley, and many others also give religiously-explicit instructions for students when a friend “comes out” and explains that he or she is homosexual: “Don’t judge your friend. If you have strong religious or other beliefs about homosexuality, keep them to yourself for now.”

Amazingly, those statements pale in comparison to the University of Texas at Austin. A section of their Gender and Sexuality Center website addresses “spirituality and coming out,” where they engage in an extended discussion of religion and homosexuality. A portion of that discussion follows:

Former youth activist Jamie Nabozny was raised Pentecostal and hoped to become a minister. But he was gay and thought the only worse thing he could be was Satan himself. So he tried to put his same-sex attractions aside until, one day, he could deny them no longer.

“I walked as far as I could into a big

field. I was crying, praying and hollering at God. I said, ‘I’ve read the Bible, I’ve prayed, I go to church three times a week. Every time I have a homosexual thought, I rebuke it in the name of God and yet still I’m gay. Either you’re not there, or you don’t give a damn that I’m gay.’ It took me a little while but then I realized God was OK with it. The God I really believed in was not a God that hated or condemned people.”

This is an experience many people go through. Faced with a conflict between their religion and their feelings, they come to realize that the God they truly believe in could never condemn people for loving. Some people find their spirituality even helps them come out.

State-Sponsored Religion?

The materials issued by these state universities are designed to reach people in their hour of deepest need. The purpose is to cut through personal confusion and to guide students on *the right path* (as defined by the state). They are not “ceremonial” documents. They are not the Ten Commandments on a schoolhouse wall or a brief ecumenical prayer before a football game. They are designed to provide *specific religious guidance* to specific individuals upon request. ***This is state-provided religious counseling*** Which is more “theocratic,” the Dover admonition that “students are encouraged to keep an open mind” or Michigan’s explicit Biblical interpretations?

Fortunately, a federal court recently found similar statements to be unlawful in *Citizens for a Responsible Curriculum v. Montgomery County Pub. Sch.*, 2005 WL 1075634, *1 (S.D. Md. May 5, 2005). The court enjoined the teaching of a high school curriculum remarkably similar to the university statements.

In 2004, the Montgomery County (Maryland) Superintendent issued a revised health curriculum, including

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CENTER FOR LAW & RELIGIOUS FREEDOM

CHURCH OF THE LEFT

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important additions to the issue of dealing with “sexual variation.” The prior policy was to not discuss homosexuality (or other forms of alternative sexual lifestyles/conditions/preferences/orientation) unless a child asked. Teachers were restricted to only giving a perfunctory answer and told to stay out of the debate—responsible neutrality was the norm.

The revised curriculum, however, abandoned the neutral stance and openly advocated for the morality of the homosexual lifestyle. The school created a “Myths and Facts” worksheet blatantly discrediting any opposition to homosexuality. The curriculum included statements like:

- “the strength of American society continues to lie in the ability of people to accept and respect diversity” –

suggesting that America as a nation will fail if it does not accept alternative sexual lifestyles

- “all major professional mental health organizations affirm that homosexuality is not a mental disorder” – suggesting that the issue is settled, although it is not
- “most experts in the field have concluded that sexual orientation is not a choice” – suggesting that there is no such thing as free will not to act.

Finally, the curriculum noted that “different religions take different stands on sexual behaviors, and there are even different views among people of the same religion” – suggesting that one can choose a different religion or denomination that is in line with a more politically correct view of homosexuality.

These initial declarations set the stage

for more outrageous and unconstitutional statements contained within supplemental materials. The most glaring statements were the ones that explicitly mentioned religion: “Fundamentalists are more likely to have negative attitudes about gay people than those with other religious views.” The curriculum identified Baptists as particularly unenlightened:

Religion has often been misused to justify hatred and oppression. Less than half a century ago, Baptist churches (among others) in this country defended racial segregation on the basis that it was condoned in the Bible. Early Christians were not hostile to homosexuals. Intolerance became the dominant attitude only after the Twelfth century.

The curriculum went on to note that “Jesus never said anything about homosex-

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DO THEY REALLY BELIEVE THE STATE SHOULD BE NEUTRAL WITH RESPECT TO RELIGION, AS THEY HAVE CLAIMED, OR HAS THE NEUTRALITY ARGUMENT BEEN A PRETEXT FOR THE ELIMINATION OF CONSERVATIVE JUDEO-CHRISTIAN EXPRESSION FROM THE PUBLIC SQUARE?

uality." It contrasted "intolerant Baptists" with churches that are more accepting of homosexuality. "Fortunately, many within organized religions are beginning to address the homophobia of the church." The curriculum (like many public university materials) listed several churches that "support full civil rights for gay men and lesbians, as they do for everyone else."

In its opinion, the Court rightly made no distinction between supplemental materials and the curriculum outline itself. It treated both of these resources as part of the curriculum. It found that the plaintiffs demonstrated a likelihood of success on the merits of their argument that the curriculum violated the Establishment Clause. The curriculum ran afoul of the "clearest command" of the Clause "that one religious denomination cannot be officially preferred over another." (Citing *Larson v. Valente*, 456 U.S. 228, 244, 72 L. Ed. 2d 33, 102 S. Ct. 1673 (1982) and *Epperson v. Arkansas*, 393 U.S. 97, 104, 21 L. Ed. 2d 228, 89 S. Ct. 266 (1968) ("The First Amendment mandates governmental neutrality between religion and religion . . . The State may not adopt programs or practices . . . which aid or oppose any religion. . . . This prohibition is absolute.")) Summing up its Establishment Clause concerns, the Court stated:

The Court is extremely troubled by the willingness of Defendants to venture – or perhaps more correctly bound – into the crossroads of controversy where religion, morality, and homosexuality converge. The Court does not understand why it is necessary, in attempting to achieve the goals of advocating tolerance and providing health-related information, Defendants must offer up their opinion on such controversial topics as whether homosexuality is a sin, whether AIDS is God's judgment on homosexuals, and whether churches that condemn homosexuality are on theologically solid ground.

Establishment Clause Advocates?

The issue in Montgomery County and other school districts matches the recent movement in our universities. The desire of the modern university to silence evangelical Christians (through speech codes and expansive anti-discrimination statements) is well known. People are just learning, however, that the university is filling the resulting vacuum of religious expression with *religious teachings of its own* – that homosexuality is not sinful and that certain denominations are preferable to others.

The advocates for Establishment Clause jurisprudence will have the opportunity to show their true intention over the next few years. Do they really believe the state should be neutral with respect to religion, as they have claimed, or has the neutrality

argument been a pretext for the elimination of conservative Judeo-Christian expression from the public square? As the next legal challenges are filed, the responses of the ACLU, Citizens United for Separation of Church and State, and the Freedom from Religion Foundation will be interesting and illuminating.



David French is a senior legal counsel for the Alliance Defense Fund and the former president of the Foundation for Individual Rights in Education.

Cody Groeber is a second year law student at Notre Dame Law School and a former Blackstone intern at the Alliance Defense Fund.



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Seeing All Things in Terms of God's Supremacy

CHRISTIAN LAWYERS RESPOND TO A GLOBAL THREAT

by Samuel E. Ericsson



The issues raised by Schaeffer and Blamires 25 years ago remain as great as ever for Christian lawyers in the global legal village of the 21st century. Secularism and secularization continue their seductive hold on the Church, the Christian mind and followers of Christ within the legal profession.

But the question remains, is there a perspective on law, substantively and procedurally, that is *Christian*? Is there a view that “sees all things here below in terms of God’s supremacy?” Or are we stuck on planet Earth with a faith that offers very little to inform those seeking to follow Christ in their calling as lawyers and judges? The events surrounding a case in Sweden last year are a great example of how Christian lawyers can make a difference together for the Lord when they take their calling seriously.

The Indispensable Freedom

There are many rights and liberties that demand attention by Christian lawyers, but the most important is the freedom of expression. Freedom of expression is the indispensable freedom for all followers of Christ because without it, believers cannot share the Good News as Jesus Christ instructed them to do.

In the final words to His disciples moments before his ascension, Jesus told them that they would receive power to be his “witnesses in Jerusalem, and in all Judea

Dr. Francis Schaeffer, author and founder of the Switzerland-based *L’Abri Fellowship*, addressed the 1981 CLS national conference and asked, “What is a *Christian* lawyer?” Dr. Schaeffer claimed that a *Christian* lawyer must be more than one who merely places Christian magazines on the table in the reception area. He urged Christian lawyers to be engaged and to make a difference.

In 1983, the noted Christian Oxford professor and writer Harry Blamires spoke at the CLS national conference on the theme of *The Christian Mind*, the title of a book he wrote in the 1960s. In the book, Blamires begins:

There is no longer a Christian mind. There is still, of course, a Christian ethic, a Christian practice and a Christian spirituality...But as a thinking human being, the modern Christian has succumbed to secularization. He accepts religion – its morality, its worship, its spiritual culture; but he rejects the religious view of life, the view which sets all earthly issues within the context of the eternal view which relates all human problems – social, political, cultural – to the doctrinal foundations of the Christian Faith, the view which sees all things here below in terms of God’s supremacy and earth’s transitoriness...

THERE ARE MANY RIGHTS AND LIBERTIES THAT DEMAND ATTENTION BY CHRISTIAN LAWYERS, BUT THE MOST IMPORTANT IS THE FREEDOM OF EXPRESSION.

*Sam Ericsson, Ake Green,
Percy Bratt and Per Karlsson*



and Samaria, and to the ends of the earth” (Acts 1:8). Likewise, in his Great Commission, Jesus instructed his disciples to “go and make disciples...teaching them to obey everything I have commanded you” (Matt. 28:19-20).

The New Testament is filled with examples of the apostles being persecuted and jailed primarily for refusing to be silent about Jesus Christ. On this issue, Simon Peter left no doubt: “We must obey God rather than man” (Acts 5:17-32). It was considered disobedience to God if you were silent. The central issue in the early Church was not whether to pay taxes or have the right to build buildings, but whether they could to share the Gospel.

Political and religious authorities have persecuted and attempted to silence the followers of Christ for over 2000 years. But when a government attempts to muzzle pastors or believers from speaking, teaching, or preaching, Christians know their duty is to “obey God rather than man.” Moreover, those who embrace the evangelical tradition in the Church know that an evangelist is a good news reporter who shares the Good News of redemption through the atoning work of Jesus Christ.

A Global Threat from Sweden

The most important international religious freedom case in 2005 was the threat to the freedom of expression in Sweden. Pentecostal Pastor Ake Green had been sentenced to prison in 2004 under Sweden’s amended Hate Speech Laws for preaching a sermon to his 50-member congregation on sexual morality.

Sweden is a country that serves as a beacon for human rights; therefore, the actions against Ake Green were a global threat to all believers. If Sweden began to

lock up pastors for sermons some considered politically incorrect, it would set a devastating precedent for other nations that do not take human rights seriously and would use Sweden’s example to rationalize their conduct.

The Case

Following World War II, Sweden followed other European countries and passed a Hate Speech Law to protect Jews, other religious groups and racial minorities from Neo-Nazi propaganda designed to incite hatred and contempt. In 2002, Sweden amended the law to include “sexual orientation” as a protected class. Clergy and lawyers expressed concern at that time that the amendments would chill the freedom of religious expression and intimidate pastors not to address moral issues from a Biblical perspective. They were assured that this was not the intent of the law. The amendments took effect January 1, 2003.

Seven months later, Ake Green, a tall, lanky, soft-spoken, 65-year-old pastor, who had been in ministry for over 40 years, felt compelled to share what the Bible teaches on homosexuality because others, including his denomination, remained silent on the issue. Green made it clear that we must follow Christ’s example of not condemning or belittling people. We should hate the sin but love the sinner. The sermon focused on the spiritual, physical, psychological and societal risks of *any sexual conduct* that violates Scripture, not just homosexuality. He did not attack any individual or group in his sermon.

After a local newspaper published the sermon, the local prosecutor indicted Green for “inciting hatred” and showing “contempt” in violation of the Hate Speech Law. Green was convicted and sentenced to a month in prison following a

brief trial in 2004. It may have been the first time since John the Baptist that a pastor had been sentenced to prison for a sermon on sexual morality. The secular media painted Green as a bigot. Pastor Green appealed, and Percy Bratt, a highly respected human rights lawyer and chairman of Sweden’s Helsinki Commission, took the case.

The Inquisition

The hearing before the Court of Appeals in January 2005 underscored the danger of the situation when the court became a *de facto* “Sermon Review Board.” The prosecutor and five-judge panel repeatedly interrogated Pastor Green as to the meaning of his sermon. It was a replay of Martin Luther at the Diet of Worms defending his views in a church court. The presiding judge even asked Green to explain the difference between the Old and New Testaments – law versus grace. It was a modern day Inquisition.

The prosecutor had no concept of the purpose of a sermon. He told the court that Pastor Green had the right to *read* Bible verses but crossed the line when he expounded on what the verses meant. Green explained that anyone can read the Bible, but it was his God-ordained role as a pastor to help people understand its meaning.

The prosecutor asked Green to defend his belief that homosexuality was a matter of choice, not genetics, which was espoused by experts on sexual behavior whose articles the prosecutor introduced into the record. Green refused to judge the experts but was unwavering in his belief that God does not “program” a person to be a homosexual and then declare homosexuality a sin. He made it clear that there is no hierarchy of bad, worse and worst

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GOD'S SUPREMACY

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sins. All sins are on the same footing. None is worse than any other. Sin is sin.

The Decisions and Precedent

Last February, in a 4-1 decision, the Court of Appeals reversed the trial court's conviction and sentence. The court held that Parliament's extension of the Hate Speech Laws to the class of "sexual orientation" was not intended to stifle discussion of homosexuality or restrict a pastor's right to preach. The court said that Pastor Green had a right to preach "the Bible's categorical condemnation of homosexual relations as a sin" even if that position was "alien to most citizens" and "strongly questioned" by others. The Chief Prosecutor of Sweden exercised his option to appeal the reversal to Sweden's Supreme Court.

Finally, in a full-day hearing on November 9, Sweden's Supreme Court heard the appeal. On November 29, the Sweden Supreme Court ruled 5-0 in Green's favor. It held that even though Green may have committed a crime under Sweden's Hate Speech Laws, the law violates the European Convention on Human Rights. Sweden would risk losing an appeal to the European Court of Human Rights.

Sweden's Supreme Court gave all clergy and believers throughout Europe an early Christmas present by grounding its decision in the European Convention of Human Rights, rather than an act of Parliament. In fact, because this was Sweden, the decision is a victory for all believers around the globe. Freedom of expression will be protected even if beliefs may not be embraced by a culture.

The Body of Christ at Work

The mission of Advocates International (AI) flows from Hebrews 10:24-25 to

"spur one another on to love and good deeds," coupled with Christ's final words to his disciples in Acts 1:8 to be his witnesses in Jerusalem (meet locally), Judea (organize nationally), Samaria (cooperate regionally) and the ends of the earth (link globally). The Green case demonstrated not only the strength of the AI mission, but it also illustrates the strategic importance of Christian lawyers being engaged and the value of the Body of Christ working together for justice.

- **At the local level**, Per Karlsson, the leader of Sweden's network of Christian lawyers, spent many hours working with Pastor Green's lawyer, Percy Bratt, in preparing for the hearings in the Court of Appeals and Supreme Court. He and other lawyers wrote articles addressing the major legal issues in a major newspaper. He was also involved when the amendments were being considered by Parliament.
- **At the national level**, Mats Tunehag, a non-lawyer networker and journalist, who has been active with Advocates International and Advocates Europe since the late 1990s, spearheaded a major media campaign to counter the hostile secular media. Wisely, Mats focused on the threat to the freedom of expression rather than religious freedom.
- **At the regional level**, Mats solicited articles from Advocates Europe (AE) lawyers from Bulgaria, England, and Portugal, as well as from Canada and the USA. AE filed friend-of-the-court briefs in the Court of Appeals and

the Sweden Supreme Court. AE President Latcho Popov worked with former European Court of Human Rights Justice Dimitar Gotchev on the briefs. Latcho, Per and Mats first met in 2002 at the AE conference in Sofia.

- **At the global level**, several groups filed friend-of-the-court briefs, including The Beckett Fund and the Alliance Defense Fund (ADF) in the USA. Ben Bull, a senior ADF lawyer, met Mats at the 2004 CLS & AI Global Convocation in Washington D.C., and discussed the case.

The Author of His-Story

The signature of the Author of His-Story could be seen throughout this case, which had many co/incidents—the intersection of the horizontal and vertical realities. The Christian mind should *see all things here below in terms of God's supremacy*, as Blamires claimed, and it was illustrated over and over again to me. Just one small example:

On February 11, 1953, I first saw the Statue of Liberty as an 8-year-old immigrant from Sweden, the son of a Swedish Pentecostal pastor who had just left a church of 50 members. On the day of the Court of Appeals hearing, I was interviewed by one of Sweden's main TV news programs. I discovered that the brother of the journalist who arranged for my interview was the pastor in the 1970s for the same church where my father had been before our move to America in 1953! And then, when I received the call on February 11, 2005, about our victory in the Court of Appeals, it was the 52nd anniversary of my coming to America!

The Author of His-Story is, indeed, Supreme!

You're Invited!



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June 14-18, 2006

ADVOCATES LATIN AMERICA

hosts its 6th conference in the Dominican Republic
August 7-14, 2006

ADVOCATES ASIA

holds its 6th conference in Delhi, India
October 2006


ADVOCATES AFRICA

convenes its 7th conference in Kenya
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The mission of Advocates International is to bear witness of Jesus Christ through the legal profession by encouraging and enabling advocates to meet locally, organize nationally, cooperate regionally and link globally.

Contact Information:

Advocates International's US Office

info@advocatesinternational.org

Advocates Europe

ipopov@advocateseurope.org or
dani@ruleoflawinstitute.bg

Advocates Latin America

aloise@adinet.com.uy or
vbalmaceda@advocatesinternational.org

Advocates Asia

cla@touchtelindia.net or
tehminalarora@hotmail.com

Advocates Africa

cla@motcon.co.za or
africa@advocatesinternational.org



www.advocatesinternational.org

CHAPTER NEWS & UPDATES

MEMBERSHIP MINISTRIES

Only CLS chapters are listed.

Baltimore

We recently held a student mentoring session at the University of Baltimore law school for the first time in three years. We will have a similar session at the University of Maryland law school, where we are celebrating our 5th consecutive mentoring session. We resumed our semi-annual breakfast meetings last October with Keynote Speaker Honorable William Nickerson of the U.S. District Court for Maryland. We will have our next breakfast in April. We also will continue our modest legal clinic once a month at a local mission for the homeless.

Contact: Matt Paavola
matt@paavolaw.com

Birmingham

The Birmingham, Alabama, chapter meets once each quarter for breakfast, where we welcome Christian speakers from the legal and judicial community. We are working to establish a mentor program with the student chapter at a local law school and possibly a legal aid program in late 2006 or early 2007. We hope to strengthen our chapter this year through regular prayer and fellowship.

Contact: Susan McPherson
sm@wallacejordan.com

Charlottesville

Approximately 15 Charlottesville area attorneys are involved in three attorney prayer groups that meet on an every other week basis. Two of the groups are composed of men and the third group is composed of women.

Contact: James Garrett
jwgarrett@snookandhaughey.com



Dallas

The Dallas chapter of the Christian Legal Society is alive and well. Sam Casey spoke to the chapter in September, and we had meetings in November and January with over twenty lawyers in attendance at each meeting. We are meeting every other month. We are also starting a mentoring program with law students at SMU Law School.

Contact: Jon Campbell
jon@dbu.edu

Denver Metro Chapter

The Denver chapter alternates months for meetings: a breakfast one month in the "Tech Center" area and a luncheon in the "Downtown" area the next month.

Contact: Linda Danskin
danskinlaw@aol.com

Hawaii

In October 2005 the chapter held its annual breakfast during the Hawai'i State Bar Convention. We had three speakers. Judge Linda Luke of the Hawai'i Family Court and Dr. Victoria Schneider offered their perspectives on the involvement of Christian professionals in child abuse cases. Richard Dunn, an attorney who practices family law, gave his testimony about a healing he received after an accident that almost cost him his life.

Contact: Mark Pettinato
Markpetti@cs.com

Jackson

The Jackson chapter, in partnership with Mississippi College School of Law, is planning a CLE on pro bono work. This event is in preparation of the opening of a new Legal Aid Clinic on the campus of the West Park Ministry Center in the inner city of Jackson. The West Park Campus is sponsored by First Baptist Church in Jackson. This has been a vision of the Jackson chapter for many years. It is very timely in that Mississippi attorneys are now required to report their pro bono hours to the Mississippi Supreme Court. Volunteers should be plentiful!!! God's timing is ALWAYS perfect.

Contact: John Lewis
Jlewis1515@aol.com

Jacksonville

The Jacksonville chapter holds luncheon meetings once a month for nine months out of the year. A small group also meets weekly on Tuesday mornings for Bible study and fellowship.

Contact: Jeanne Helton
jhelton@smithhulsey.com

CLS CHAPTERS PROVIDE LAWYERS OPPORTUNITIES FOR FELLOWSHIP, EVANGELISM, OUTREACH (LEGAL AID AND LAW STUDENT MINISTRY) AND DISCIPLESHIP.

Kansas City

The Kansas City chapter meets for lunch on the last Wednesday of each month to listen to a volunteer speaker. Things are going great. We've moved locations to the Law Offices of Levy & Craig – a special thank you to Rob Pitkin for letting us use the office and his free parking! We have had an array of speakers on many topics, ranging from exploring the significance of a literal Genesis account to delving into the historic meaning of modern Christmas traditions. We are excited for 2006.

Contact: Jesse Camacho
jcamacho@shb.com

Mobile

We are beginning to form small groups of lawyers who meet weekly for mutual encouragement, accountability, and prayer.

Contact: William Watts
bill@alabamatrial.com

New York

The chapter continues to hold monthly meetings to discuss how Christ would have us live as attorneys in the NY Metro area, as well as a weekly prayer meeting. We also recently partnered with Priority Associates to reach out to seeking attorneys.

Contact: Joe Ruta
rutaesq@aol.com

Northern Illinois/Chicago

The Northern Illinois chapter meets for lunch on the first Wednesday nearly every month at one of the Chicago law schools to hear from speakers of interest to the local Christian legal community.

Contact: Mike Avramovich
businessfirm@aol.com

Orange County

The Orange County CLS chapter is newly affiliated and meets the second Thursday of each month at noon. Additionally, we are actively involved with the Christian Legal Aid Office in Southern California.

Contact: Robert Anderson
bobanderson7@msn.com

Sacramento

The Sacramento Christian Legal Society meets the fourth Thursday in January, March, May, July, etc. at noon at El Torritos on Howe Avenue. Come join us for excellent fellowship and stimulating speakers! Call Steve Burlingham (916) 332-8122 with any questions.

Contact: Steve Burlingham
steveb@gtblaw.com

San Antonio

The San Antonio chapter continues to hold our monthly breakfast meetings with scheduled speakers. We are anxiously awaiting the 2006 National Conference. You and your family will enjoy your visit to San Antonio. Not only do we have the Alamo, the Hill Country, the River Walk and the Mexican Market; we have several nationally recognized churches here for you to visit. There is San Fernando Cathedral and the San Antonio Missions, Oak Hills Church (home of Max Lucado) and Cornerstone Church (home of Pastor John Hagee). Come for the conference, stay for the fun!

Contact: Teresa Smith
workcomp84@hotmail.com



San Diego

The San Diego chapter of the Christian Legal Society has been meeting regularly over the past year for fellowship, prayer, worship and Bible study. We are pursuing contact with the local law schools in an effort to establish a relationship with the student chapters. Plans are being discussed to launch a Christian Legal Aid program in San Diego County at the appropriate time. We are encouraged by the progress that has been made and are prayerfully looking to the future for God's guidance as a chapter.

Contact: John Yphantides
johnnyphantides@usa.net

Seattle

The Seattle chapter meets monthly for lunch-time Bible studies. We recently added a second Bible study at a law firm in Bellevue because so many other lawyers have offices in the cities east of Seattle.

Contact: Andy Toles
atoles@elmlaw.com

Washington, D.C.

We continue to meet for "brown bag lunches" every month in downtown DC.

Contact: David Nammo
dnammo@clsnet.org

Wichita

The Wichita chapter continues to meet monthly for lunch on every third Thursday at the Wichita Bar Association.

Contact: Craig Shultz
shultzlaw@veracom.net

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CHAPTER NEWS & UPDATES

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The remaining CLS chapters did not make the printing deadline. Feel free to contact the chapter in your area.

Austin

Contact: Col. Donald W. Neal, Jr.
donteresaneal@hotmail.com

Boston

Contact: Jody T. Adams
jodytadams@yahoo.com

Indianapolis

Contact: Herb Jensen
Jensen@iquest.net

Los Angeles

Contact: Terry Steinhart
terran@steinhartlaw.com

Minnesota

Contact: Gregory Dittrich
dittrichlaw@usfamily.net

New Orleans

Contact: Roy Bowes
attyrbowes@aol.com

Oklahoma City

Contact: Michael L. Tinney
OKkidsdad@cox.net

Western Pennsylvania

Contact: Delia Bouwers
delia.bouwers@escm.com

Phoenix

Contact: Tim Watson
twatson@stklaw.com

Santa Clara

Contact: J. Thomas Diepenbrock
jtdlegal@aol.com

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Contact: Raymond Dague
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Resolution at Pepperdine
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“What is a traitor, daddy?”

My daughter’s question finally broke the long silence after we had left the movie theater. We had just watched *The Lion, the Witch and The Wardrobe*, and the children were still trying to digest the story on the way home.

“What do you mean?” I responded.

“Well, the White Witch said that Edmund was a traitor,” she responded.

It was one of those moments where a dad can take the amazing opportunity to discuss the salvation story with his daughter. We went on to discuss what traitors are, why Aslan took the place of Edmund, and how easily Edmund was seduced by things that really didn’t matter. Later, we dug deeper and drew on the analogies to Christ and our relationship with Him.

My oldest daughter wept openly when the witch killed Aslan, which I now realize was a children’s version of *The Passion*. Personally aware of the symbolism, it was difficult for me to watch as well. We have since had many talks drawn from the rich symbolism of the movie.

Shortly after the scene in which Aslan is killed, my five-year-old son looked at me and said he wanted to leave. I told him the movie wasn’t over, but he insisted he didn’t want to watch any more. I told him that

he “needed” to keep watching the movie. He didn’t understand, but the truth is that man was not meant to live between the death and resurrection of Jesus Christ. A reality without the resurrection is a defeated, hopeless, frightening reality – where evil has won. Good is dead. Evil reigns. I couldn’t let my son leave. He needed to see Aslan’s return. He needed to know there was hope.

What I later realized, while reflecting on the definition of a traitor and sin, is how quickly we fall into the same category as Edmund – seduced by things that do not matter and away from the things of Christ. Mike Schutt addresses this problem in his article in this issue. He would say our treachery—our “sloth”—is rooted in a lack of caring about the things of Jesus Christ.

Francis Schaeffer asked the CLS convention long ago, “What is a Christian lawyer?” The answers I hear are varied: a lawyer with integrity, a lawyer who is honest with his or her clients, a lawyer who doesn’t double-bill, and so on.

As believers, we know the hope of what eternity holds for us; Christ is risen and will come again. However, we live as if we left the story when my son wanted to leave. We live like the resurrection doesn’t really mean anything, as if it has no bear-

ing on our lives. We play the world’s game, the world’s way. We barely give Christ the “remains of the day.” It is usually more like the “remains of the week.” Where is the new creation or the victory? Why am I so afraid to speak up, stand up, and trust in Him in all the difficult places in my life? Andrew Murray put it best in the introduction to his Hebrews commentaries:

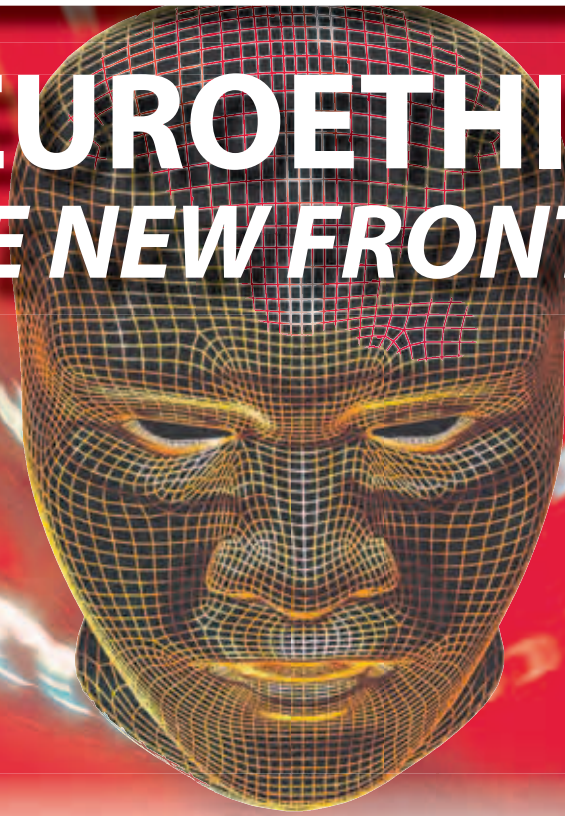
So many rest contented with the thought that their sins are pardoned and that they are in the path of life, but know nothing of a personal attachment to Christ as their Leader, or of a faith that lives in the invisible and walks with God. With many this is the consequence of the hopelessness that came from the failure of their utmost efforts to live as they desired. They struggled in their own strength; they knew not Christ as the secret of strength; they lost heart, and went back. The profession of faith is not cast away; religious habits are kept up; but there is nothing to show that they have entered or are seeking to enter the Holiest to dwell there. The power of the world, the spirit of its literature, the temptations of business and pleasure, all unite to make up a religion in which it is sought to combine a comfortable hope for the future with the least possible amount of sacrifice in the present.

A lawyer who reads the Scriptures regularly, is honest, full of integrity, prays often, never double-bills, and treats his or her family with honor is . . . what? I know what you are thinking, but the truth is that such a person is a great, integrity-filled lawyer who is Jewish. What is the difference in your life? Sure, Christian lawyers have Christ, but really, who can tell?

David Nammo is the director of Membership Ministries and Law Student Ministries for the Christian Legal Society.

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