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William Stringfellow

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THE CHRISTIAN LAWYER AS A CHURCHMAN

WILLIAM STRINGFELLOW*

In history, the substance of the Christian life is worship. The Christian is a psalmist:

Praise the Lord, O my soul, while I live, will I praise the Lord; Yea, as long as I have any being, I will sing praises unto my God.¹

The Christian lives in honor of God:

So, whether you eat or drink, or whatever you do, do all to the glory of God.²

"A Christian is constituted by the Eucharist, and the Eucharist by a Christian. Neither avails without the other."³ That is the testimony of martyrs, but it is as well the common acknowledgement of Christians in the liturgy:

It is very meet, right, and our bounden duty, that we should at all times, and in all places, give thanks unto thee, O Lord.⁴

Comparative studies of moral theology and legal philosophy are irrelevant if they are isolated from the concrete life of worship. Similarly, the question of the Christian vocation of the practicing lawyer must not be solely an attempt to articulate some ethics to guide a lawyer in his decisions in work. The Christian life is not so much about deciding and doing as it is about being that which Christians are called to be. Precisely, Christians are what they are called to be in worship. Worship is not an ancillary folk activity to which Christians resort out of sentiment or superstition, or even for inspiration or self-motivation. There is no dichotomy between worship and pursuits like studies of jurisprudence and theology or the vocational issue for lawyers. Worship is not isolated from the rest of the Christian life; it is the integration of the whole of the Christian life in history. Worship is not peripheral, but decisive in the relationships of Christian faith and secular law.

* LL.B., Harvard, 1956; member, New York Bar; Parish Counsel, East Harlem Protestant Parish [Episcopal], New York City; Counselor to Law Students for the Church Society for College Work.

1. Psalm 146:1-2.

2. 1 Corinthians 10:31.

3. Felix in response to interrogation by the proconsul at Carthage, 304 A.D. cited in SHEPHERD, *THE WORSHIP OF THE CHURCH* 5 (1952).

4. BOOK OF COMMON PRAYER 76.

THE CONCRETE LIFE OF THE CHURCH IN HISTORY

To speak of the Christian life as worship fixes attention upon the Church as the community called together in history and constituted in worship. There is no attention here explicitly to the extra-historical significance of the Church, that is, to eschatology: the concern here is with the Church in history, the Church living in the midst of the world, and with its mode of life. Nor, in speaking presently about the Church in history, is reference made to any notion of the Church as an invisible community, inwardly and secretly uniting Christians throughout the world.⁵ At the same time, the visible Church is not meant here as the institutional churches. The Church is, in one sense, the churches seen plainly as secular institutions, but that is not the sense in which the Church in history is now emphasized.

Instead, the Church in history, the living Church, the Church as the body in which and from which the Christian life is constituted; is the congregation, the visible company summoned together in a given place as the worshipping community.⁶

The Church in history, in this sense, as the congregation, is the event in which reconciliation between God and men accomplished in Jesus Christ is already known and celebrated and thereby the message of reconciliation is entrusted for proclamation in all the world and to the whole world.

The Church as Event

Too often Christians nowadays speak carelessly of the Church and thereby make a stupid witness to the world. It is not for the sake of semantic fastidiousness that Christians must speak with responsibility of the Church, but for the sake of the evangelistic trust which is theirs, in other words, for the sake of the world.

The Church evident as the congregation is named "event" to show a difference between a definition of "the idea of church" and an affirmation of that which actually takes place whenever the Church is constituted. This attempt is not to discuss an abstraction but to describe a happening; not to speak theoretically but existentially.⁷

5. The concept of an invisible Church is a doubtful one since it tends to avoid looking at the visible disunity and impurity of the Church in history and to induce a tranquillity toward "the great dangers we are in by our unhappy divisions." Moreover, it often erroneously equates the visible Church with the institutional churches.

6. Cf. Barth, *The Church—The Living Congregation of the Living Lord Jesus Christ*, in *MAN'S DISORDER AND GOD'S DESIGN* 67-76 (1949).

7. Dr. George Florovsky points out that it was only in the late 15th century that systematic doctrine of the Church was composed. "This lack of formal definitions does not mean, however, a confusion of ideas or any obscurity of view. The Fathers did not care so much for the doctrine of the Church precisely because the glorious reality of the Church was open to their spiritual vision." See Florovsky, *The Church: Her Nature and Task*, in *MAN'S DISORDER AND GOD'S DESIGN* 43-58 (1949).

The Church as the event of the congregation is always now and new. The Church comes into being in response to the summons of God in the present moment and place. The response of our fathers is not surety for us. Our own response yesterday is not sufficient also for today. God calls His people now, not now and then. The Church is always new and continually being renewed by God in "the new light and the new power of His Word, according to the testimony of the Bible, the new outpouring of His Spirit, and His new presence in preaching and worship, in Baptism and the Lord's Supper."⁸ When the Church is not new, when the Church "degenerates into religiosity," when worship ceases, then in fact the Church has "fallen into the abyss of non-existence."⁹

To consider the Church as an event illuminates the utter dependence of the Church upon God. It is God who maintains all men in history, in fallen creation; it is He who calls the Church into being, it is He who elects the Church; it is He who preserves and renews the Church.

The Church's Knowledge of Reconciliation

The Church as the congregation is the event in which reconciliation between God and men accomplished in Jesus Christ is already known.

The Creation Gift: The Church's knowledge of reconciliation is in the first instance a comprehension of the essential character of Creation. Christians know Creation as grace; Creation is, as Luther put it, an act of sheer compassion.

That God, who is wholly sufficient unto Himself, creates everything and everyone is grace. Grace is the nature and ground of Creation and the essence of the relationship between God and all that He creates and of the relationships amongst all that He creates.¹⁰

God loves His whole Creation. In particular terms this means that God, in making men, in giving men life, loves them, gives men not only themselves, but Himself. By giving men their being and in giving men Himself, God gives men to each other. In Creation God gives community. The Creation gift to men of life, and the common gift to men of God's love, enables men to love each other in Him; constitutes mankind, really, as God's community. Moreover, God gives men, in Creation, dominion over the rest of Creation; He gives them a particular relationship to the rest of Creation; He makes the rest of Creation a sign and medium of His love for men.

Creation is grace, and the Creation gift is manifold. The only way men may receive the Creation gift is in the terms of its offer, in love, in freedom, by giving themselves both in their own name and as

8. Barth, *supra* note 6.

9. *Ibid.*

10. See Genesis 1.

community and giving all that over which men are given dominion to God.

Ruined Creation: The Church's knowledge of reconciliation is this perception of the reality of Creation as grace and also the discernment of the ruin of Creation by sin. Men use the freedom God gives men to love Him, to hate Him. Sin is the rejection of the Creation gift utterly: it is the rejection of God Himself—

For God knows that when you eat of it your eyes will be opened, and you will be like God, knowing good and evil.¹¹

It is the rejection of the life God gives men—

[O]f the tree of the knowledge of good and evil you shall not eat, for in the day that you eat it you shall die.¹²

It is the rejection of community among men—

Cain rose up against his brother Abel, and killed him. Then the Lord said to Cain, "Where is Abel your brother?" He said, "I do not know; am I my brother's keeper?"¹³

It is the rejection of the dominion God offers men over the rest of Creation—

[C]ursed is the ground because of you; in toil you shall eat of it all the days of your life; thorns and thistles it shall bring forth to you. . . . In the sweat of your face you shall eat bread till you return to the ground, for out of it you were taken; you are dust, and to dust you shall return.¹⁴

In Creation the dominion of men means that they acknowledge God's sovereignty; in fallen creation men lose their dominion, suppose they are sovereign, but actually work to death. In Creation men are given enduring community; in ruined creation community is broken and men suffer estrangement which they cannot overcome. In Creation God gives men life; in sin men die.

But men, though in sin they hate God, cannot destroy God's love. In rebellion, God does not forsake men:

[T]he man and his wife hid themselves from the presence of the Lord God among the trees of the garden. But the Lord God called to the man, and said to him, "Where are you?"¹⁵

Nor is there any place to hide from God:

O Lord, thou hast searched me out and known me! Thou knowest my

11. *Id.* at 3:5.

12. *Id.* at 2:17.

13. *Id.* at 4:8-9.

14. *Id.* at 3:17-19.

15. *Id.* at 3:8-9.

down-sitting and mine uprising; thou understandest my thoughts long before. . . .

Whither shall I go then from thy Spirit? or whither shall I go then from thy presence?

If I climb up into heaven, thou art there; if I go down to hell, thou art there also.¹⁶

This is the magnitude of God's grace: He sustains men even though men hate Him; Creation, which men ruin in sin, remains His.

The Accomplishment of Jesus Christ: The Church's knowledge of reconciliation is that God's grace, which is the foundation of Creation and which sustains ruined creation, overcomes the power of sin in Jesus Christ, once and for all.

The magnitude of God's grace in Creation and in His sustenance of fallen creation makes possible the restoration of Creation, enables the reconciliation of the whole world to God, permits men to be reconciled to God, preserves for men the freedom to love God, and promises God's forgiveness and acceptance. The magnitude of God's grace, and the mystery of His grace, is that it is redemptive.

The power of sin lies in the knowledge of good and evil. Sin is not the violation of divine taboos, nor is it some hereditary predicament which incapacitates men to do that which is good, rather it is the presumption by men that they have the function to "be like God, knowing good and evil."¹⁷ Sin is the claim under which men make moral distinctions. The final extravagance of this claim is the imagination of men that they will choose the good and bring at last the triumph of good over evil.

Yet even on its face, the human claim to know good and evil is ridiculous. Men apprehend what is good each from his own vantage. What is "good" for you is "evil" for another. What seemed "good" yesterday turns into "evil" today. Both good and evil which men know are subjective (bound to themselves) and transient (bound to history). This remains so as much when men assert their notion of good in the name of God, which in Christian faith is a very great blasphemy, as when they assert some idea of good in their own name.

Moral distinctions originate in the Fall and are fallen, are relative and contradictory, and, finally, come to precisely the same consummation, death.¹⁸ Even if the good men know were absolute, rather than ambiguous, there is no victory for good. The good dies, along with the evil. The moral choices men make do not alter the outcome, do not overcome death.

But what is impossible for men is possible for God.

16. Psalm 139: 1-2, 7-8.

17. Genesis 3:5.

18. Cf. *Id.* at 2:17.

God's grace transcends moral distinctions. Christians know that Creation is beyond the realm of good and evil and that the categories of good and evil are incomparable and inapplicable to the Creation gift and that God is not bound by men's knowledge of good and evil in fallen creation.

That is why, of course, it is blasphemy for men to make an equation between their idea of good and God; it is really the assertion by men of their own divinity.

In their knowledge of good and evil men seek to overcome sin but cannot do so because the origin of their knowledge itself is sin and the very power of sin is their knowledge. So their search for salvation ends in death. But God has the power to overcome death, to break the power of sin, to save men from the enslavement of good and evil.

And this He has accomplished in Jesus Christ our Lord.

For God so loved the world that he gave his only begotten Son, that whosoever believes in him should not perish but have eternal life.¹⁹

In Christ, God is restoring the Creation gift to men:

Chiefly are we bound to praise thee for the glorious Resurrection of thy Son Jesus Christ our Lord: for he is the very Pascal Lamb, which was offered for us, and hath taken away the sin of the world; Who by his death hath destroyed death, and by his rising to life again hath restored to us everlasting life.²⁰

In Creation, God gives Himself to men; in sin, men give themselves to death; in Christ, God gives Himself to men redemptively. This is the original knowledge of the Church, known to the Church and to none other.

Present Knowledge and Final Promise: The Church's knowledge of reconciliation is that which distinguishes the Church from the world, which unites the Church against the world, and which holds for the world the hope for final reconciliation of the whole world to God.

It is the originality of the Church's knowledge that differentiates Christians from other men, that means that the Church is in the world, but not of the world. The gift in Christ, the redemptive gift, is the restoration of life to men, the inauguration of a new life for men even now in the midst of ruined life. "[I]f any one is in Christ, he is a new creation; the old has passed away, behold, the new has come."²¹ The new life in Christ makes Christians "aliens and exiles" of the world.²² And it establishes them in the world as a new community, "a holy nation, God's own people."²³ Jesus Christ gave Himself for men that "He

19. John 3:16.

20. BOOK OF COMMON PRAYER 78.

21. 2 Corinthians 5:17.

22. 1 Peter 2:11.

23. 1 Peter 2:9.

might redeem us from all iniquity, and purify unto Himself a peculiar people."²⁴ That which sets the Church apart, the singularity of the Church's knowledge, is that it is not based upon what men should do to be good, but upon what God has done for all men; it does not originate in moral distinctions, but in the revelation of grace; it is not a splendid normative ethics, but the ethics of redemption.²⁵

The knowledge of reconciliation unites the Church against the world. It is the truly radical substance of the Christian faith; it is the radical fact about the Church. In its plainest terms, the Gospel is radical, and disliked, because it admits that the significance of history, *per se*, is death. The news of reconciliation is that the power of sin, which is exercised in men's attempt to know good and evil, is broken. The ethics of the world rest upon the distinction of good and evil and within that scope the first are first and the last are last. The Gospel overturns the ethics of the world. "So the last will be first, and the first last."²⁶ The Gospel stands against both what men suppose is good, as well as what men condemn as evil. The Church's knowledge is that the world is overcome:

I have said this to you, that in me you may have peace. In the world you have tribulation; but be of good cheer, I have overcome the world.²⁷

The Gospel threatens all that men do and all that men decide. The Gospel is Judgment upon all. At the same time, the Gospel shatters men as they judge each other. "He that is without sin among you let him first cast a stone at her."²⁸ Yet this does not make the Gospel bad news for any man, for God's judgment of all men is also His mercy for all men.

The Church's knowledge of reconciliation holds for the world the hope for its final reconciliation. The Gospel is good news for all the world. It is good news that the judgments of men are confounded by the Gospel, and that the judgment of God is as well on the Pharisee as the harlot.²⁹ It is literally Gospel that, though men are impotent to overcome sin, God has that power and in Jesus Christ has used it to justify every man, the circumcised and the uncircumcised.³⁰ All the hopes of men, born of their knowledge of good and evil, are vain, but

24. Titus 2:14.

25. That is why the Gospel is really incomparable to moralistic and legalistic religions. For whatever appears as common ground between the Christian faith and the religions is far less important than that which distinguishes them. For that matter, it is the very originality of the Church's knowledge that makes the presentation of Christianity as positive thinking arrogant heresy. The Gospel sets the Church apart from the world, while positive thinking is an advocacy of successful conformance to the world.

26. Matthew 20:16.

27. John 16:33.

28. John 8:7.

29. Cf. Matthew 21:31.

30. Cf. Romans 3:29-30.

in Christ men have a hope which is not vain. In Christ men have a lively hope, a complete hope, a final hope of being restored to God, of reconciliation to God, which is to say, of eternal life. This is the hope known in the Church:

Blessed be the God and Father of our Lord Jesus Christ; By His great mercy we have been born anew to a living hope through the resurrection of Jesus Christ from the dead.³¹

And this is the hope, the message, entrusted to the Church for the world:

All this is from God, who through Christ reconciled us to Himself and gave us the ministry of reconciliation; that is God was in Christ reconciling the world unto Himself . . . and entrusting to us the message of reconciliation.³²

Now the Christian hope is not vain because God has indeed overcome the power of sin. "[I]n fact Christ has been raised from the dead."³³ The Church knows reconciliation already and is therefore confident in proclaiming the message of reconciliation to the world. Yet the experience of reconciliation is but the foreknowledge of the reconciliation of the whole creation to God. The Church is the herald of that which is to come. The Church's present knowledge of and life in reconciliation is for the world the evidence and promise of its final reconciliation.

For as in Adam all die, so also in Christ shall all be made alive. But each in his own order: Christ the first fruits, then at His coming those who belong to Christ. Then comes the end, when He delivers the Kingdom to God the Father after destroying every rule and every authority and power.³⁴

Bluntly, the hope of the world, which is the Gospel, which is the message of the Church, is that the world end. That is why the task of the Church is evangelism, the calling of the world into the Church and that is why the forsaking of evangelism, the conformity of the Church to the world, is apostasy. And because the Gospel is true hope, because the knowledge of reconciliation is good news, it is celebrated in the Church.

The Celebration of the Gospel

The Church as the congregation is the event in which reconciliation between God and men accomplished in Jesus Christ is already known and celebrated.

31. 1 Peter 1:3.

32. 2 Corinthians 5:18-19.

33. 1 Corinthians 15:20.

34. 1 Corinthians 15:22-24.

Celebration as the Church's Deed: The celebration of the Gospel in the Church is, in one sense, simply the characteristic act which the Church does in the world. The Church engages in observances and rites: the Church initiates a new member, the Church gathers for the Lord's Supper, the Church reads the Bible, the Church listens to the preacher. In these customary ways, the Church recalls the Gospel, celebrates in remembrance of what God has done in Jesus Christ.

I will make thy Name to be remembered from one generation to another; therefore, shall the people give thanks unto thee, world without end.³⁵

In a like way, the Church celebrates in anticipation of the promise of the Gospel of final reconciliation of the whole creation to God, celebrates, as heirs do, the inheritance promised in Christ.³⁶

But the Church does not just celebrate a sure inheritance nor merely celebrate the memory of the Lord; the Church celebrates the reconciliation known now, God's gift of Himself to the Church, the presence of the Holy Spirit which makes the Church always now and new.

Celebration as the Church's Being: The Church's celebration of the Gospel is the celebration of the presence of God with His people. The celebration of the Gospel is the event of reconciliation already taking place in the midst of history.

I will pray the Father, and He will give you another Counselor, to be with you forever, even the Spirit of truth, whom the world cannot receive, because it neither sees Him nor knows Him; you know Him, for He dwells with you, and will be in you.³⁷

The Church is constituted wherever and whenever God dwells with His people and His people are filled with the Holy Spirit. Wherever and whenever this event takes place the Gospel is celebrated truly, concretely, originally, immediately.

Celebration as the Church's being, as the Church's very life, indicates the fuller meaning of celebration, beyond remembrance and anticipation, as worship of the living God, whose presence is known to the worshiper. It is the reality of the celebration of the Gospel existentially for the Church which saves the Church from idolatry. By the same token, where the Gospel is not celebrated as the very event of being the Church, the Church is scandalized and broken in idolatry. Moreover, where worship is the celebration of the event of the Church, celebration of this Gospel event, it is saved from being mere rite and ceremony.

35. Psalm 45:17.

36. Cf. Hebrews 9:15; see BOOK OF COMMON PRAYER 276.

37. John 14:16-17.

Christ, our paschal Lamb, has been sacrificed. Let us, therefore celebrate the festival.³⁸

Celebration in the Common Sacraments: Christian worship, the Gospel celebration, is never an abstract contemplation of God's navel, but always utter existential involvement. Worship is not a general affirmative attitude toward God, but a specific historic event in which the worshiper participates in a total way. And while the worship of God is and ought to be manifold, it is never really a formless or ethereal matter.

Christians have a simple responsibility to their fellow members in Christ to maintain in the forms of their worship an integrity to the Gospel. This is in itself a sufficient reason for Christians to continue and uphold forms of worship which are the common sacraments of the Christian life, that is, Baptism, Holy Communion, and the Preaching of the Word in the congregation.³⁹

But there are far more cogent reasons to regard these sacraments especially. Primarily each has a foundation in the life of the Church through the ages and in the Bible and in the ministry of Christ Himself. The sacraments of Baptism and the Lord's Supper "ordained of Christ be not only badges or tokens of Christian men's profession, but rather they be certain sure witnesses, and effectual signs of grace, and God's good will toward us," while "Holy Scriptures containeth all things necessary to salvation."⁴⁰

It is Christ who commissions His disciples:

Go into all the world and preach the Gospel to the whole creation. He who believes and is baptized will be saved.⁴¹

And it is Christ who makes the Supper a sacrament:

[A]s they were eating, Jesus took bread, and blessed, and broke it, and gave it to the disciples and said, "Take, eat; this is my body." And he took the cup, and when he had given thanks he gave it to them saying, "Drink of it, all of you; for this is my blood of the covenant, which is poured out for many for the forgiveness of sins."⁴²

The celebration of the Gospel in the common sacraments is not just recollection, nor only expectation, and mark that the celebration in the sacraments has no part whatever of the practice of occultism. The

38. 1 Corinthians 5:7-8.

39. Though the Preaching of the Word of God in the congregation is to be distinguished from the sacraments of Baptism and Holy Communion, I understand it to be integral to these sacraments and that it is generally necessary for the health of the Church that Preaching be done when the sacraments are celebrated and that the sacraments be celebrated where Preaching is done.

40. Articles of Religion of the Protestant Episcopal Church XXV, VI.

41. Mark 16:14; cf. Matthew 28:18-20.

42. Matthew 26:26-29; see 1 Corinthians 10:14-17.

Mass is not magic. The warning of Paul to the Church in Corinth is meet for all Christians:

Therefore, my beloved, shun the worship of idols. I speak as to sensible men; judge for yourselves what I say. The cup of blessing which we bless, is it not a participation in the blood of Christ? The bread which we break, is it not a participation in the body of Christ? Because there is one loaf, we who are many are one body, for we all partake of the same loaf. Consider the practice of Israel; are not those who eat the sacrifices partners in the altar? What do I imply then? That food offered to idols is anything, or that an idol is anything? No, I imply that what pagans sacrifice they offer to demons and not to God. I do not want you to be partners with demons. You cannot drink the cup of the Lord and the cup of demons. You cannot partake of the table of the Lord and the table of demons.⁴³

There is no celebration of the Gospel where a sacrament is perverted into necromancy; there is, indeed, such an ignorance of the Gospel and of its power where and when worship is idolatrous, that the Church dies immediately.⁴⁴

Because idolatry is a constant peril, because the celebration of the Gospel is more than remembrance and preview, because of the venerability of the common sacraments, because any authentic celebration of the Gospel is informed through these sacraments, it is imperative to be concrete, to speak plainly of what happens in the Gospel celebration in the common sacraments. It suits the economy of this essay to discuss with particularity, just illustratively, not exhaustively, only the sacrament of Holy Communion, but, in principle, what is affirmed about the Lord's Supper can as well be said of Holy Baptism and of the preaching of the Word of God in the congregation.

(1) *Celebration as Thanksgiving*—The celebration of the Gospel in the Supper of the Lord is a thanksgiving—*eucharistis*—to God for the Gospel:

Almighty and everlasting God, we most heartily thank thee, for that thou dost vouchsafe to feed us who have duly received these holy mysteries . . . and dost assure us thereby of thy favour and goodness toward us; and that we are very members incorporate in the mystical body of thy Son, which is the blessed company of all faithful people; and are also

43. 1 Corinthians 10:14-21.

44. Of course part of this whole problem for the Church is that some forms of hocus pocus have become so common that the danger of idolatry is ignored. For examples, consider the use, superstitiously, of Christian symbols, medals and mustard seed remembrances, as good luck charms. Or consider the use of fragments of Scripture for a kind of daily horoscope. More serious is the peril of idolatry where peoples, grossly ignorant of the Gospel, are lightly invited by the Church to participate in sacramental worship. As the reference to Paul above indicates, the danger in this matter is literally sorcery, that is, the use of demonic power.

heirs through hope of thy everlasting kingdom, by the merits of his most precious death and passion.⁴⁵

The Eucharist is the acknowledgement of who God is and of what God has done for men; the Eucharist glorifies God, to be most concrete about it, because *He is God*:

We praise thee, we bless thee, we worship thee, we glorify thee, we give thanks to thee for thy great glory, O Lord God, heavenly King.⁴⁶

In giving thanks and praise to God, the congregation is identified not only with the whole Church, "the blessed company of all faithful people," but with the whole of creation. For though creation is ruined, it is sustained by God in ruin, and in spite of its ruin it points to God. For Jesus, upon His entry into Jerusalem, was told by the Pharisees to rebuke His disciples for celebrating Him, but He answered: "I tell you, if these were silent, the very stones would cry out."⁴⁷ The power of sin is more a trespass than a taking.

Though men hate God, when they come unto themselves, they praise Him; the response to God's reconciling initiative is thanksgiving. This the Church knows and celebrates in its own name, but also in representation the Church gives "thanks for all men."⁴⁸

(2) *Celebration as Intercession*—The Church's celebration of the Gospel in the Eucharist is therefore intercessory. The congregation gives thanks for itself, for the whole Church, and in behalf of all men, in behalf of the whole world. The Church intercedes in thanksgiving and in petition. The congregation praises God and beseeches Him for the whole Church,

to inspire continually the Universal Church with the spirit of truth, unity, and concord; And grant that all those who confess thy holy Name may agree in the truth of thy Holy Word, and live in unity and godly love.⁴⁹

In the congregation, Christians intercede for each other:

And to all thy People give thy heavenly grace; and especially to this congregation here present; that, with meek heart and due reverence, they may hear, and receive thy holy Word; truly serving thee in holiness and righteousness all the days of their life.⁵⁰

And the congregation bears through intercession the burdens of other men:

45. BOOK OF COMMON PRAYER 74.

46. *Ibid.*

47. Luke 19:40.

48. BOOK OF COMMON PRAYER 74.

49. *Ibid.*

50. *Ibid.*

And we most humbly beseech thee, of thy goodness, O Lord, to comfort and succour all those who, in this transitory life, are in trouble, sorrow, need, sickness, or any other adversity.⁵¹

Now the celebration of the Gospel in intercession is not sentimental identification with those in need, but solemn reliance upon the grace of God. For the Church receives and knows His grace, the congregation gathers in response to His grace, and therefore has the freedom to intercede, that is, to stand before God in willingness to accept the burden of another, to take the place of another in need. The Church dares to take on the affliction and suffering of the world because it knows that God's love endures. The congregation intercedes because God is faithful. When the Church petitions it is, with very great clarity, the body of Christ. For Christ has made for the whole world the consummate intercession: "If any man sin, we have an Advocate with the Father, Jesus Christ the righteous; and He is the Propitiation for our sins."⁵²

Intercession, therefore, has nothing to do with persuading God to do what men would like to do; it has no part either of self-inducement, bolstering men to do what they want to do. Intercession has nothing to do with men's will for themselves, but only to do with God's will for the world. "[N]evertheless, not my will, but thine, be done."⁵³ Intercession is the freedom of Christians to suffer with and for others as a witness to the world that in His suffering for the world, God has overcome suffering. Intercession is a celebration of this good news for the world, which is, at the same time, of course, God's will for the world.

(3) *Celebration as Penitence*—Because intercession in the Eucharist is in the end a petition that God's will be done it is the acknowledgment by the congregation of their identity as men, subject, as other men, to the power of sin. Christians acknowledge God in thanksgiving, they acknowledge themselves in penitence. Contrition is integral to the celebration of the Gospel.

Christians are exhorted, advisedly, before they participate in the Holy Communion:

Dearly beloved in the Lord, ye who mind to come to the holy Communion of the Body and Blood of our Saviour Christ, must consider how Saint Paul exhorteth all persons diligently to try and examine themselves, before they presume to eat of that Bread, and drink of that Cup. For as the benefit is great, if with a true penitent heart and lively faith we receive that holy Sacrament; so is the danger great, if we receive the same unworthily.⁵⁴

51. *Ibid.*

52. 1 John 2:1-2.

53. Luke 22:42.

54. BOOK OF COMMON PRAYER 85.

Penitence is not however an act which earns for Christians a place at the Supper of the Lord. Rather penitence is a dimension of love for God. "Cleanse the thoughts of our hearts by the inspiration of thy Holy Spirit, that we may perfectly love thee."⁵⁵ The perfection of love of God by men is not the achievement of some standard of merit demanded by God, but the wholeness, the completeness of our gift of ourselves and all that we are as men and as sinners to Him.

We acknowledge and bewail our manifold sins and wickedness, Which we, from time to time, most grievously have committed, By thought, word, and deed, Against thy Divine Majesty, Provoking most justly thy wrath and indignation against us. We do earnestly repent, And are heartily sorry for these our misdoings; The remembrance of them is grievous unto us; The burden of them is intolerable.⁵⁶

Repentance is involved in the wholeness of surrender to God, in perfectly loving Him, and it is reliance upon the fullness of His love, upon the sufficiency of His love in expiating sin.

We do not presume to come to this thy Table, O merciful Lord, trusting in our own righteousness, but in thy manifold and great mercies. We are not worthy so much as to gather up the crumbs under thy Table. But thou art the same Lord, whose property is always to have mercy: Grant us therefore, gracious Lord, so to eat the flesh of thy dear Son Jesus Christ, and to drink his blood, that our sinful bodies may be made clean by his body, and our souls washed through his most precious blood, and that we may evermore dwell in him, and he in us.⁵⁷

(4) *Celebration as Oblation*—Now the Supper of the Lord takes place, the Gospel is celebrated, the Church in the congregation is alive. The congregation comes to the Lord in praise and thanksgiving, in intercession and petition, in penitence and contrition. The congregation gathers in acknowledgment of God, and in the real experience also of the power of sin, and in the sure knowledge that God in Jesus Christ gives Himself to men redemptively. The celebration of the Gospel in the Holy Communion is the oblation of the congregation, the offering to God, in the only full and appropriate response men can make to His redemptive gift, of all that He first gave men: these elements of bread and wine and these alms, in evidence of God's gift to men of dominion over the rest of Creation; this people gathered, this congregation, this *Holy Communion*, in testimony of God's gift to man of community, and "our selves, our souls and bodies," which is God's gift of life to each man. Everything is given to God: everything which He first has given men. This is the oblation of the congregation in the Lord's Supper. This is the celebration of the Gospel, for now

55. *Id.* at 67.

56. *Id.* at 75.

57. *Id.* at 82.

the very event is taking place in the midst of history: God reconciling men to Himself; God is with His people and His people worship Him; thereby the message of reconciliation is proclaimed for all the world.

The Proclamation of the Gospel

The Church as the congregation is the event in which reconciliation between God and men accomplished in Jesus Christ is already known and celebrated and thereby the message of reconciliation is entrusted for proclamation in all the world and to the whole world.

Celebration of the Gospel as Proclamation of the Gospel: The most lucid and cogent witness of God's love for men is that through Jesus Christ He gives men a new life now, in the very midst of the old life, that the new life begins in history in His Church and in the faith of His Church, that men are born anew in His Church, that in His Church the new life is celebrated. The message of reconciliation for the world is entrusted to the Church by the event of reconciliation which constitutes the Church and which the Church celebrates. The Gospel is entrusted to the Church, the Church possesses the Gospel, but the Church is not possessive about the Gospel, for the Gospel does not mean that God loves the Church, the Gospel means that God loves the world and therefore elects the Church. Hence nothing is more demonstrative of the Gospel in the world and to the world than the concrete life of the Church in history. That is why it is always a very great tragedy for the world when the actual life of the Church is not a celebration of the Gospel but a conformation to the world. Where apostasy or heresy or sorcery are celebrated, the Gospel is not proclaimed. But where the celebration has integrity in the Gospel, it is integral to the Gospel, and celebration is proclamation.

The Proclamation of the Congregation: The celebration of the Gospel in sacramental worship is the proclamation of the Gospel:

[T]he nations will know that I am the Lord, says the Lord God, when through you I vindicate my holiness before their eyes. For I will take you from the nations and gather you from all countries, and bring you into your own land. . . . You shall dwell in the land which I gave to your fathers; and you shall be my people, and I will be your God.⁵⁸

When the congregation worships God, God is vindicated before all men; the world may see who God is and believe what God has done in Jesus Christ.

In a rather exact way in the Lord's Supper God prepares a table for His people in the presence of their enemies.⁵⁹ In the Holy Communion, the new community in Christ, the Christian society, is evident in his-

58. Ezekiel 36:23-28.

59. Cf. Psalm 23:5.

tory as over against all other nations and all the societies men make, as a witness that the true hope for community is in Christ:

[Y]ou are a chosen race, a royal priesthood, a holy nation, God's own people, that you may declare the wonderful deeds of Him who called you out of darkness into his marvelous light.⁶⁰

The oblation of the congregation is a witness also to the world that men have usurped and perverted the dominion which God gave men in Creation but that nevertheless the whole world belongs to God. "O all ye Works of the Lord, bless ye the Lord: praise Him and magnify Him forever."⁶¹

The proclamation of the Gospel by the congregation is the very celebration of the Gospel in the congregation itself.⁶²

Proclamation in Dispersion: Christians live in the world and bear the message of reconciliation to the world, not only as the congregation gathered in the midst of the world but also in dispersion, scattered in the world, taking part in the life and work of the world. This is the experience of every Christian, as much for the priest as for the layman.⁶³

When the congregation is dispersed, when Christians go out from the congregation into the world and into the work of the world, the conflict between the Church and the World becomes very explicit, and, so to speak, personalized. A Christian in the world lives in the tension between Church and World, between grace and law, between Christ and Caesar, between salvation and sin, between life and death, between worship and work.

Now it does not at all mitigate this inherent tension of the Christian life to identify it with the tension of good and evil. For the conflict between good and evil is one known to all men in sin, and it is known to Christians in that same sense, and is but one side of the struggle within the Christian life. The tension of the Gospel is between grace, on the one hand, and what men know as good and evil, on the other.

60: 1 Peter 2:9.

61. BOOK OF COMMON PRAYER 11.

62. Liturgy which is based upon Scripture, I suggest, is more secure both as celebration and proclamation of the Gospel than innovation contrived by individual ministers. In the latter practice the peril is great that the basis of public worship will be the predilections and personality of the preacher. But where the liturgy is primarily wrought from Scripture its use is a manner of preaching and proclaiming the Word of God, the priest and his predilections notwithstanding.

63. I have in mind that the office and function of the priest is in the administration of the sacraments and the nurture of the congregations. All the manifold activities in which the ordained indulge which are not essential to this office are, in principle, secular occupations of the clergy. It is a very grave matter nowadays that many clergy are occupied in activities which entirely or substantially omit the exercise of their office in administration of sacraments and nurture of congregations.

It is the tension between grace and law, not just between grace and bad law.

Nor does it make any sense in dealing with this tension to say that Christians must do their work in the world in a transforming way, in a way which witnesses to the Gospel, when at the same time it is said that the congregations are poor in their witness and spend their time complacently in worship services instead of in action in the world. For Christian action in the world is void in the inception where it is cut off from the informing support of the celebration and proclamation of the Gospel in the congregation. In reality, the Christian bears the tension between Gospel and world—and bears it effectively in radical and transforming witness only because of his participation in the concrete life of the Church in history, only because he participates in the event of the congregation.

The congregation is the event in which the Sacraments are powerful as the one reality by which men live: Baptism, which incorporates human beings into this special relation to Jesus Christ, and the Lord's Supper, which keeps them in this state of grace, that is, of "belonging to Him," and enables them to fulfill their mission to others.⁶⁴

Apparently a Christian works in the world just as any man does. He has some job, as a lawyer or laundryman, teacher or teller. He relates himself to the material of his work and to those with whom he works and those for whom he works and those against whom he works. But the Gospel makes this difference: a Christian knows that sin has ruined men's relationship with the rest of Creation. The Christian knows that men have lost their dominion over the rest of Creation and that in its place is toil, pain, sweat, transience, death.⁶⁵ In short, the Christian realizes that the non-Christian appropriates the material of his work, the things of the world, only for death; the non-Christian in his daily work is, precisely, working to death.

But the Christian, in his daily work, is no more a slave to death. Christ has set him free. He is free to appropriate the material of his work to worship God, to glorify God, to offer to God. A Christian in his daily work is free to celebrate the Gospel in quite the way in which he gathers with other Christians as a congregation to celebrate the Gospel, that is, sacramentally, by offering himself, which includes his work, to God. His oblation in work, like his participation in the oblation of the congregation, is manifold: it is his acknowledgment of God in thanksgiving and his acknowledgement of himself in penitence and it is his intercession, his freedom to share the burdens of his fellow workers or clients or employers or competitors. His

64. Barth; *supra* note 6. (Emphasis added.).

65. See Genesis 3:17-20.

work is a celebration and a proclamation of the Gospel to the world.

But, moreover, a Christian is free in his knowledge of the love of God for the world to love those whom he encounters in his daily work. The love of a Christian for a non-Christian is informed, too, in sacramental worship, that is, it is in behalf not only of ourselves, or the Church, but also in behalf of the whole world, and particularly men. The love of a Christian for a non-Christian is not a love of man for himself, but for his sake. This is love for him in the Gospel, because of what God has done for him. A Christian loves another, gives himself to another, because Christ has been given for both. A Christian loves him in this way, in a way which celebrates the Gospel, in a way which proclaims the Gospel. A Christian loves him that he may be evangelized.

But let it be plain, work cannot be sacramentalized, men cannot be evangelized, the reality of worship cannot permeate the life of Christians dispersed in the world, except out of the faithful gathering of Christians as the congregation for sacramental worship. For the celebration and proclamation in the event of the congregation is that which makes possible and relevant and powerful the celebration and proclamation of the Gospel in any other circumstance in history.

The substance of the Christian life in history is worship.

THE GOSPEL, SECULAR LAW, AND THE CHRISTIAN LAWYER

When the Gospel is taken seriously, the decisive issue between theology and jurisprudence and the central vocational problem of a lawyer who is a Christian is the tension between grace and law.

The Christian life in history, which is, in substance, both in the congregation and for Christians in dispersion, the life of worship, is only intelligible as response to reliance upon the grace of God. But at the same time the congregation and Christians in dispersion are subject to secular law. Christians are of the Church, but in the world.

This struggle between the Church and the world, as seen in the tension between grace and law, is represented particularly in the Bible in the trial of Jesus before Pilate.⁶⁶ It is the passionate concern of St. Paul and is alluded to in the first Epistle of St. Peter.⁶⁷ In the later

66. John 19:10-11. See also Matthew 22:17-21; Mark 12:13-17; Luke 20:20-26.

67. Cf. Romans 13:1-8; 1 Peter 2:13, 17. Some of the Biblical discussion of law concerns, of course, the law of ceremonies and religious rites of Israel, as distinguished from either positive law or the moral commandments. This kind of law, regulating conduct of those subject to it, is an equivalent of positive law, and the Biblical material dealing therewith is relevant to the problem of grace and secular law. See Mark 2:27; Matthew 12:1-8; Luke 6:1-5; Matthew 9:14-15; Mark 2:8-20; Matthew 15:1-20; Mark 7:1-23; Luke 5:33-39. The conversion of Gentiles raised this issue of the Gospel and the religious laws of Israel in the early Church. See Acts 11:1-8; Acts 15:1-32; Galatians 2:1-10. Much of the other Biblical reference to law is concerned,

Church it was dealt with in the formulation of natural law in Christian moral theology by the Scholastics, and, subsequently, it was a Reformation issue, a concern for Luther, Calvin, and Hooker. In the contemporary Church, the tension between grace and law remains the substantive issue of Christian social ethics.

For some Christians the tension between grace and law, between justification and justice, seems resolved by the postulate of natural law understood as a measure of the righteousness God demands of men and as, therefore, a standard for positive law.⁶⁸

For other Christians, the tension remains, but they find decisional norms for positive law in the purpose of the Gospel, without a stated postulate of natural law and frequently with a certain association with positivist criticism of natural law.⁶⁹

But for some Christians grace and law are understood in more extreme tension. For them moral legalism is transcended by the decisive revelation of grace in Jesus Christ and natural law, therefore, represents a reversion to pre-Christian morality, and decisional ethics really imitate this reversion. The tension of grace and law is not resolved by construing grace in moralistic and legalistic terms. Grace is not a norm, but an act. The Gospel is not law, but gift. "Christian faith is the revelation of grace, and Christian ethics is the ethics of redemption and not of law."⁷⁰

however, with neither positive law nor religious laws, but with moral commandments. Exodus 20-23; Deuteronomy 5; Leviticus 19; Israel was a people under the law and their faithfulness to God was their obedience to the commandments. Exodus 19; cf. Genesis 9. Christians are heirs to Israel and to the moral commandments, but this does not mean that Christians adopt the understanding of Israel of the moral commandments. For God has now revealed Himself in Jesus Christ. Therefore Christians regard the moral commandments under the impact of the Gospel. For Christians the commandments and the Gospel are not considered separately and they ought not to be, as in homilies they often are, taken as interchangeable. In the New Covenant, the commandments are given extraordinarily new dimensions by Jesus. Matthew 5:21-48. Jesus identifies Himself, not as a teacher of the moral law, but with God, from whom Israel received the commandments. *Ibid.* Jesus claims that the law is fulfilled in Him. Matthew 5:17; cf. Luke 16:16-17; Romans 10:4. Grace is called the summation of the law. Matthew 22:34-40; Mark 12:28-34; cf. Romans 13:10. The tension of law and grace in the contrast between the religion of Israel, where men are justified by obedience to the law and the Gospel, where *man is justified by faith in Christ and not by works of the law*, is a constant emphasis of St. Paul. Galatians 2:16; cf. Romans 3:20-28, 5:2-3, 6:14.

68. Among contemporary theologians and lawyers, for example, Jacques Maritain, Emil Brunner, Alec Vidler, Amos Wilder, Wilbur Katz.

69. As Reinhold Niebuhr, Kenneth Underwood, James Pike, Harry Jones, Samuel Stumpf.

70. BERDYAEV, *THE DESTINY OF MAN* 85-86 (1937). I would identify Berdyaev only partially with this group. Karl Barth and Jacques Ellul are the only others in my knowledge, among contemporary writers, who take seriously the extremity of the tension between grace and law.

Natural Law as a Christian Jurisprudence

There is an original opposition between natural law and Christian faith which resides in "the most general and abstract precept of the Natural Law . . . that good is to be done and evil avoided."⁷¹ This notion, which has been very consistently characteristic of the natural law system, rests upon the idea of the good as the aim of human life.⁷² But the Gospel does not rest at all upon this concept but upon the event of Jesus Christ, and Christ is not some concept but the Person in whom Christians know the living God.

Natural Law and the Fall: This opposition of natural law to the Gospel is disclosed in other terms, especially, where a conscious effort has been made to reconcile the natural law theory with the Gospel. Thus a significant mutation of the classical conception of natural law worked by Christians who accept natural law has been the emphasis upon the provisional character of human perception of the law of nature because of sin. "Man's capacity for discerning [natural law] has been weakened by the Fall."⁷³ Human knowledge of the terms of the good life is mitigated by sin.

But the Biblical characterization of sin is the very pretension of men that they may have the knowledge of good and evil.⁷⁴ Indeed, the natural lawyers invert the Biblical comprehension of sin in order to accommodate the intrinsic necessities of the natural law hypothesis. The natural lawyers treat too lightly the Gospel, for if sin is just moral deficiency then grace and natural law amount to the same thing, that is, the final corrective of moral deficiency, and men need not look for their salvation to Jesus Christ our Lord but may as well look to Sophocles.

Natural Law and Eschatology: The natural lawyers, importing into Christian faith the idea of the good which can be ascertained by men, even though only provisionally, have had also to reconstruct their doctrine of the fulfillment of all things. Natural law eschatology makes the consummation of history dependent upon man's cooperation with God through perception of the law of nature and "voluntary affirmation of it in right conduct."⁷⁵ And though in this interpretation there is an insistence that a true discernment of natural law "will commonly be perceived only in the light of the Biblical revelation," nevertheless, "the products of obedience to Natural Law . . . [are] used by God in preparing the ground for the establishing of His Kingly rule."⁷⁶

This is no justification by faith, rather than the works of the law,

71. VIDLER, *NATURAL LAW: A CHRISTIAN RECONSTRUCTION* 21 (1949); cf. AQUINAS, *SUMMA THEOLOGICA*, PRIMA SECUNDAE, Q. 94, art. 2.

72. See LIPPMAN, *THE PUBLIC PHILOSOPHY* (1955).

73. VIDLER, *op. cit. supra* note 71, at 25.

74. Genesis 3:5.

75. VIDLER, *op. cit. supra* note 71, at 21.

76. *Id.* at 24, 25.

no divine justification, no understanding that men do not overcome the power of sin, even a little bit, nor earn their own salvation by obedience to law. It rather makes God's grace contingent upon men.⁷⁷ Christian eschatology affirms that God, in whom all things were made, and by whom even fallen creation is sustained, is the one in whom all is consummated.⁷⁸ The Christians' hope looks to God's power and His righteousness, and not to the works of men or the justice men make, even in the name of the law of nature.

Natural Law as Conformance to the World: Human justice is not a substitute for divine justification, nor is it even a corollary in preparation for the consummation of history. But the natural law advocates have tried to make the law of nature the normative ethics for men's historical life.

The Natural Law is a rule or measure of the righteousness which God demands from His human creatures. . . .⁷⁹

Natural law is the sum, in order, of the inclinations, tendencies, appetites, what you will, which guide or direct [man] to his proper perfection and his natural end.⁸⁰

But it is impossible to understand the Gospel as just a version of the good life in this world which must be fulfilled as a condition precedent to the fulfillment of all things.

The chief argument that the world has always brought against the Gospel is that it is impracticable and opposed to the very laws of life. And indeed the morality of the Gospel is paradoxical and contrary to the morality of our world even at its highest. The Gospel is opposed not only to evil but to what men consider good. Usually people have tried to make the Gospel fit the requirements of this world and so make it acceptable. But this has always meant a distortion of Christianity.⁸¹

The importation of natural law into Christianity is a reversion to pre-Christian moral legalism, and it is a resolution of the tension between grace and law only in the sense that it denies the reality and power of grace. Natural law, for the Church, is conformance to the world.

Positivism, Natural Law and the Gospel

The absolute tension between grace and law is also disclosed in the opposition of the Gospel to legal positivism. Positivism professes an independence from moral precept, from some particular idea of good, as a standard for positive law. But this is no abstension from moral

77. See Romans 3:20-28.

78. See *Christ—The Hope of the World* 9-13 (WCC Assembly Evanston).

79. VIDLER, *op. cit. supra* note 71, at 19.

80. *Id.* at 37.

81. BERDYAEV, *op. cit. supra* note 70, at 123.

decision, it is a change of timing. In natural law, moral distinctions are made prior to enactment, and a law, once enacted, may be called good or evil. In positivism, moral distinction arises in the enactment, after which, whatever the law enacted, it may be called good. Again, it is a change in nomenclature. That law which natural law may call evil, positivism calls good, so long as it remains law. Moral distinctions are integral in both positivism and natural law, and the Gospel opposes the moralities of the world because they have no saving power. Moreover, positivism is quite as objectionable as natural law as a doctrine of self-justification. In proper law-making, positivism equates law with justice, that is, positive law is wholly validated in terms of itself. Any activity of God in this scheme is not only unnecessary and irrelevant, but practically impertinent. Positivism, in short, admits its own opposition to the Gospel.

The Antagonism Between Positivism and Natural Law: A frequent complaint from the positivists is that the resort to natural law as a standard for positive law is in fact recourse to subjectivism. In *Adamson v. California*,⁸² where the Court relied upon natural law for a definition of due process of law, Justice Black, in his dissent said:

I fear to see the consequences of the Court's practice of substituting its own concepts of decency and fundamental justice for the language of the Bill of Rights as its point of departure in interpreting and enforcing that Bill of Rights.⁸³

This is an accusation reminiscent of Jeremy Bentham: "They do not see that these natural laws are laws of their own invention."⁸⁴

In such criticism of natural law, when it is invoked as a standard for positive law, the positivists apprehend more than they know, for surely in the Gospel is exposed the essential subjectivity of men's knowledge of good and evil.⁸⁵

82. 332 U.S. 46 (1947).

83. *Id.* at 89.

84. BENTHAM, *THEORY OF LEGISLATION* c. 13.

85. Curiously enough the most heatedly discussed criticism of the positivists by the natural lawyers is basically the same, that positivism sets no limits upon subjectivism in the law. This complaint of the natural lawyers rose mainly in the aftermath of Nazism. Positivism, because it is beholden to no natural law standard for positive legislation, had no grounds to contest the validity of Nazi laws. They had been enacted with proper formalities, so, for the positivist, Nazi laws were valid. Here was subjectivism unbridled. Self-interest, imagination, bias, whim, even hallucination, in positivism, could become law, and in the Nazi state did. Positivism is immobilized to oppose such law. But though natural law is not immobilized, it can really only substitute its own subjectivism for the other. But the Gospel is not immobilized either against the subjectivism of positivism or again the subjectivism of natural law.

Query, incidentally, how proud the natural lawyers can be in condemning positivists on the Nazi law issue, for there is evidence that the Nazis appealed to natural law to validate their legislation. Martin Bormann, Head of the Nazi Party Organization in 1942 wrote, "We National Socialists set before ourselves the aim of living . . . by the light of nature: that is to say by the

The Identification of Positivism and Natural Law: For all the sound of controversy between positivists and natural lawyers, positivism is suspect as a muted version of natural law. At least the difference between the two is not nearly so radical as the advocates of each make out.

The Scholastics thought of the primary tenet of natural law as the preservation of human life, "the taking of those means whereby the life of man is preserved."⁸⁶ The scheme of natural law is the derivation of subsidiary principles from this primary tenet. The immediate circumstances, the fact situation, in which a decision must be made must also be taken into account. Indeed so great an emphasis has been placed upon the calculation of factors and consequences in the particular case that natural laws was once characterized as "the law of public expediency."⁸⁷

While positive law, on the other hand, focuses upon due enactment, and does not articulate a set of primary principles from which law should be derived, it does admit that all legislation is informed by an "ultimate purpose" of human self-preservation.⁸⁸ As Professor Stumpf has pointed out, "a principle of validity of a moral nature is already built into" positivism in the basic norm which is presupposed, which is self-validating, upon which the first human legislation is based and from which all positive law is derived.⁸⁹

Now the extraordinary identification of positivism and natural law appears. Not only does positivism rest upon a natural law premise, but the content of that norm is strikingly like the primary tenet of classical natural law: the preservation of human life in society. One wonders how extensive the differences are, too, in a particular case, at least where the natural lawyer is one who acknowledges the importance of existential factors in applying natural law and where the positivist affirms whatever decision is existentially made.

Now the preservation of human life in society, though it is a tenet of natural law and the basic norm which informs positivism, is *not* a Gospel tenet. In fact, in the Gospel, the preservation of human life in society has the fundamental meaning of death. The Gospel is not about men safeguarding and perpetuating their lives in history, but about the oblation of men's lives to God. "He who finds his life will lose it, and he who loses his life for my sake will find it."⁹⁰ This is not only

law of Life. The more closely we recognize and obey the laws of Nature and of Life, the more we observe them, by so much the more do we express the will of the Almighty."

86. AQUINAS, *op. cit. supra* note 71, at Q. 94, art. 2.

87. VIDLER, *op. cit. supra* note 71, at 15.

88. See Moeller, *The Problem of Value Judgments as Norms of Law: The Answer of a Positivist*, 7 J. LEGAL ED. 567 (1955).

89. Stumpf, *Theology and Jurisprudence*, 10 VAND. L. REV. 885 (1957).

90. Matthew 10:39.

the final outcome, the manner in which death is overcome, but it is the way in which true life is restored to men in history in the Church. Moreover, Christians know in the Gospel that even the preservation of ruined life in the world is not by the hands of men, not even the legislators, but by the grace of Almighty God. The Gospel is opposed to the imagination of both positivists and natural lawyers. The tension between grace and law is absolute.

Jurisprudence and the Problem of Purpose: Even if there is only really a sham battle going on between positivists and natural lawyers, even though the identification of the two may be more significant than the antagonism between them, the controversy has been useful in pointing up the problem of purpose in jurisprudence. Indeed some contemporary legal philosophers suggest that the chief problem of jurisprudence is the fundamental purposive presuppositions in terms of which law is made, rather than the mechanics of legislation. The basic moral distinction, made from alternative purposes, is the decisive issue. The moral decisions made in the legislatures and by courts are ancillary to the initial moral choice underlying the existence of a specific society. Where this view is being developed, great emphasis is placed upon the importance of existential factors in making decisions, that is, the initiating purpose of law does not yield automatic or arbitrary answers to specific cases. On the other hand, in this view law is a matter of prediction, and given the basic purpose of society and a competent grasp of the fact situation, what the law ought to be can be predicted. And only the corruption of the initiating purpose or an inadequate analysis of existential factors will frustrate the fulfillment of that prediction.⁹¹

This system utilizes insights from both positivism and natural law and it has a regard for the criticisms made of both. Now Christians sometimes join in the discussion of jurisprudence at just this point to declare that the ultimate purpose which should infuse positive law is the purpose of the Gospel.⁹² Since law is in fact purposive, let the Gospel supply the purpose. "The standard of Christian love, when defined and expressed in its full nature would provide a basis for the more specific ends of law."⁹³ The Gospel is about the gift of God to men of true life in which they have freedom to love each other, therefore, the initiating purpose of law should be *agape*.⁹⁴ "If the essential

91. Professor Lon Fuller of the Harvard Law School is probably the leading writer developing this viewpoint in contemporary jurisprudence.

92. Stumpf, *supra* note 89, at 908; this view was also expressed in the Riverside Lectures of 1956 by Professor Harry Jones of Columbia Law School, and was emphasized in the Ashley Memorial Lecture of 1957 by Dean James A. Pike of the Cathedral of St. John the Divine, New York.

93. Stumpf, *supra* note 89, at 908.

94. Professor Harry Jones characteristically constructs his view around the *agape* concept.

nature of man is love, which on the collective scale means brotherhood, then love provides a very specific insight into the manner in which society ought to be organized."⁹⁵ At the same time, there are limits to how fully positive law can reflect the norm of love, since law is limited by sin.⁹⁶

This has much to commend it because it does not equate the purpose of law with the final hope of salvation. It acknowledges that as law is limited by sin, law cannot overcome the power of sin. Yet this causes disturbance because grace in fact is sufficient for salvation. If grace is merely a standard of love, partially fulfilled in positive law, but grace is not more than that, then is this standard of love, this normative grace, really grace at all? On the other hand, if grace is somehow more than the standard of love for legislation, and thereby there is hope for salvation beyond the realm of law, what is the character of this other dimension of grace? Is it also in the nature of a norm? If it is, indeed it is not the grace of the Gospel, for the grace of the Gospel is not a norm but His power and judgment and love. And if the "rest of grace"—grace beyond a standard of love for positive law—is not in the nature of a norm, how can grace be only a norm so far as law is concerned? Perhaps what in fact is spoken of as a "standard of love" is really a particular knowledge of good, a concept of good. But if this is how grace is construed, it is manifestly not grace at all.

Moreover, grace construed as the norm of love is set up as what the law ought to approximate. But grace, in the Gospel, is not an ought but an is. It is not what should be done by men for God, but what has been done for men by God. Again, the judgment and love of God is alike for all law and grace does not distinguish—as the "standard of love" must—between this law and that.

This purposive view of law surrenders the truly radical word of the Gospel. By identifying the Gospel with normative love, it overlooks the Gospel opposition to both good laws and bad laws, and to all political systems. "When Christian ethics becomes operative in the legal sphere, as it did during the rise of modern liberal democracy, it acts as a fundamental restraint upon power."⁹⁷ Now the Gospel is identified specially with modern liberal democracy. "Totalitarian law would thus be thoroughly inconsistent with Christian ethics."⁹⁸ But the Gospel supports men's condemnation of totalitarianism. The Gospel may not be so easily identified with the transient legal and political preferences of men. It is quite so that in the Gospel community is restored to men, but the restoration of community, though it is not in a totalitarian society, it is not modern liberal democracy either. Where

95. Stumpf, *supra* note 89, at 908.

96. *Id.* at 910.

97. *Id.* at 909.

98. *Ibid.*

community is restored, where men are free to love one another, is in the society which, by God's grace, is constituted in the celebration of the Gospel, that is, the Church in history.

The Obviation of a Christian Jurisprudence

What is before implicit, must now be put directly. The tension between law and grace is such that there is no Christian jurisprudence. There is not a particular philosophy of law which has special integrity in the Gospel. Nor is there a way really to make the positive law or the ethics of law, the purposes of law which men offer as a measure for positive legislation, compatible with the Gospel.

This does not at all mean that Christians disregard the law, rather they regard it for exactly and only what it is: law and justice are the manner in which men maintain themselves in history. Law is a condition of historical existence, a circumstance of the fall. Christians, both in the congregation and in dispersion, are in the world, living in history, under the sanctions of secular law, and this is the locus of their proclamation of the Gospel for the world. For law, the proclamation of the Gospel means, in the first instance, the comprehension that law, though sometimes it can name sin, originates itself in sin and cannot overcome the power of sin.

This obviates, of course, a Christian jurisprudence, but poses—for Christians and for the world—just what any jurisprudence does not—the tension between grace and law. The Christian sees that the striving of law is for justice, but knows that the justice men achieve has no saving power; it does not justify them, for justification of man is alone in Jesus Christ. The grace of God is the only true justice any man may ever receive.

To have no special Christian jurisprudence does not mean that Christians are indifferent, or wholly negativist, toward law. Rather their concern is primarily an issue of vocation, not of jurisprudence.

The Vocation of a Christian Lawyer

The vocation of the laity is worship. To be a layman in the Church means to be a member of this people gathered by God in history to be His own, and thereby His people bear in the world the message that all men may be reconciled to God. There is no place unto which Christians may not go, no work in which they may not engage, no situation into which they may not enter, for the sake of the Gospel. "For I am not ashamed of the gospel: it is the power of God for salvation to everyone who has faith, to the Jew first and also to the Greek."⁹⁹

For every layman there are limits in his vocation as a Christian.

99. Romans 1:16.

But these are not limits imposed in the Gospel. There are no forbidden occupations in that sense. But the limitations of a layman's own personhood, and the circumstantial limitations of the world, of particular history or education or geography or time or caste or nationality, these limitations are effective in the vocation of the laity.

Vocational Decision and Evangelism: A layman decides to be a lawyer or not in terms of circumstantial limitations, recognizing that to become a lawyer is to accept a new circumstantial limitation. The decision to be a lawyer is made in terms of circumstantial limitations under the vocational claim of the Gospel, but it is not a response, usually, to a special calling to be a lawyer to the exclusion of every other possibility. The real vocational decision is not to be a lawyer, but to be a Christian.

Moreover, because the basic vocational decision is made in conversion, there is really no such thing as preparation for a Christian vocation.¹⁰⁰ Christian vocation is immediate, momentary, never preparatory. True, a law student prepares now to become a lawyer. But his vocation as a Christian is exercised in the place where he already is, wherever that happens to be, it is not suspended until he gets to the place where he wants to be.

The task of the Christian who works in the world as a lawyer, as the task of all other laymen, as the task of the whole Church, is the celebration and the proclamation of the Gospel in his daily work, in order that the world may be evangelized. And in this vocation, a lawyer who is a Christian is significantly aided by the realization that there is no peculiar Christian jurisprudence. For the tension between grace and law may then be confronted in its plain terms as an absolute tension and thereby, really, the evangelistic issue is posed. The inverse is also the case, namely, where grace is thought to be irrelevant, or where grace is contorted as natural law or a mere purposive standard, the evangelistic issue is not posed, or seems to be a matter so remote from law and a lawyer's work as require no attention.

For lawyers who are Christians, as well as all laymen, integrity in the Christian life means evangelism takes place, means that evangelization is the product of the celebration of the Gospel and the proclamation of the Gospel.

Work and Worship: How, concretely, do Christians worship in their daily work? The whole experience of the Church as the event of the congregation answers. The dispersion of Christians in work in the world does not, after all, change the fundamental reality and relationships of worship.

For the lawyer who is a Christian, his daily work begins to have the

100. A common notion among Christians in the university and in military service.

dimension and meaning of worship where there is an acknowledgement of God in Thanksgiving and of himself as a man in contrition, where there is, in other words, an actual knowledge of the difference between grace and law. The concrete realization, which has the meaning of worship, which the Christian lawyer bears in his work is that the law is not redemptive power.

Again, in daily work, the lawyer who is a Christian has the particular freedom of intercession, for his client, for adversary counsel, for witnesses, for colleagues, even, by the grace of God, for the judge. The reality of intercession in daily work does not mean that lawyers should kneel with their clients on the office floor (though it could mean that they do) but the reality of intercession is, of course, the substance of pastoral responsibility and pastoral care.

The Christian lawyer in his work appropriates all that is involved in his work in offering, in oblation to God. He offers himself, all that he is, all that he has, in the moment now given to him, in whatever place he is. This is to say, that only in the vocation of the Gospel is individuality and existentiality taken seriously. For oblation is not only the offering of the good work, the work which seems to be creative, or competently done, or satisfying to the worker, or well received of men, but also the work which is not complete, which is not praised, which is not known, which is painful to do. The oblation of the Christian does not have to have its own merit, but it has to be complete.

As Christians, therefore, return from dispersion in work in the world always to the congregation, where worship is characteristic, where worship is the reality in which the Gospel is celebrated and proclaimed. The first responsibility of Christians, lawyers or otherwise, in daily work is participation in the sacramental worship of the congregation. For it is in the congregation that the possibility of the sacramental offering of daily work originates. It is in the event of the congregation that Christians know the Gospel they celebrate, and know how to celebrate the Gospel. It is in the congregation that Christians live in the Gospel and are thereby enabled to celebrate and proclaim the Gospel in their work in the world. The new life for all men, which is begun now in the event of the congregation, is of transforming power. indeed, transforming the work of men, giving to work (in place of the old meaning of death) a new meaning in worship.

Christ, our pascal lamb, has been sacrificed. Let us, therefore, celebrate the festival.¹⁰¹

101. 1 Corinthians 5:7-8.