

Book Review

The Crisis of Civil Law: What the Bible Teaches about Law and What It Means Today

The Crisis of Civil Law: What the Bible Teaches about Law and What It Means Today by Benjamin B. Saunders. Lexham Press, 2024. Pp. 276. ISBN: 9781683597575.

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As his title indicates, Benjamin Saunders writes this book to address a perceived crisis in contemporary civil law, a crisis marked by loss of recognition for a higher law or moral order underlying Western legal systems.¹ Saunders' solution is the recovery of a classical Christian understanding of law, particularly in the Reformed theological tradition, which he believes reflects the teaching of Scripture.

The first Chapter presents several foundational principles for a 'Christian view of law'. It also provides an overview of relevant biblical themes and theological ideas and discusses how Christianity shaped law in the West. The next Chapter focuses on biblical teaching, especially about natural law and the traditional Christian categorisation of the Old Testament Mosaic legislation into moral, civil, and ceremonial law. Chapter 3 takes readers through the Ten Commandments, which encapsulates God's unchanging moral law, according to Saunders. He summarises the meaning of each commandment and reflects on the relevance of most of them for civil law. Chapter 4 considers a variety of issues, including the proper role of civil government, how laws are made, how much of God's moral law civil law ought to enforce, and the proper priorities of legislators when making law in a contemporary context. This Chapter concludes with case studies of gun control and abortion. The fifth Chapter turns to Christians' obligation to obey civil law and government. It lays out multiple criteria for what makes a law unjust and reflects on when a law's injustice may permit or require Christians to disobey it. The final Chapter identifies several erroneous views of law among Christians that Saunders urges readers to avoid.

Saunders deserves commendation for many aspects of this book. Not least of all, he writes in a clear and accessible style. Although he does not specify his intended audience, the introductory nature of the work suggests he aims for an intelligent but general readership, and his lucid presentation makes that audience well within reach. Saunders also succeeds in presenting a generally coherent framework for thinking about law. Readers who are traditional Christians, and especially those of Reformed persuasion, will appreciate this framework considerably more than others, to say the least. But Saunders makes his assumptions and guiding principles clear and thus allows all readers to evaluate, agree, and/or argue with him. No readers should find themselves unengaged. Another strength of the book, in my judgment, is the sense of moderation or balance

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¹ By *civil* law here, Saunders refers to the positive law created and enforced by civil governments, in distinction from natural law, biblical law, or other laws that have purported moral authority without binding authority in our political communities.

that characterises it. Saunders emphasises the need for civil law to be grounded in the moral law, yet he also insists that lawmakers have considerable discretion in applying moral principles to particular circumstances. Saunders gives extensive attention to Scripture as the clearest source for knowing the moral law, but he eschews asking the Bible to answer every question, advocates a robust view of natural law, and seeks insight from older Christian thinkers. He supports a high view of civil authority and Christians' deference to lawmakers' discretion, yet he also leaves room for civil disobedience. To whatever extent readers agree with Saunders' conclusions, they should appreciate his recognition of the complexities of his subject and his desire to account for them.

Amidst Saunders' laudable attempts to keep potentially competing considerations in balance, a couple of unresolved tensions arguably run through the work. One of them concerns his treatment of the first four commandments of the Decalogue. On the one hand, he expresses agreement with the now widespread Christian conviction that civil law should not enforce these commandments:² 'Attempting to enforce the first four commandments would be inconsistent with the true nature of the lawmaker's role'.³ His helpful explanation of the differences between Old Testament Israel as God's Holy Covenant people and political communities today⁴ corroborate such claims. On the other hand, Saunders also asserts that 'there is a case for arguing that some aspects of the first four commandments may receive recognition in civil law'.⁵ He states (without much argument) that, when Christianity is widespread in a society, it would be permissible to recognise Christianity in its constitution, prohibit open blasphemy, and institute Sabbath observance laws. Given the topic of his book, Saunders leaves the issue of religious liberty — as a matter of principle — surprisingly unclear.

Another issue of some tension pertains to the scope of government authority, and hence the proper reach of civil law. On the one hand, Saunders several times expresses dismay about government overreach and excessive law-making. Governmental response to Covid-19 especially seems to pique his concern. On the other hand, Saunders is also intent on defending legislators' discretion in deciding whether and how to regulate a host of human activities. This is evident, for instance, in his disproportionately long discussion of property laws under the Eighth Commandment⁶ and in his treatment of civil disobedience.⁷ Whether one can be simultaneously this supportive of government discretion and this concerned about government overreach is at least open to question.

I also mention two gaps in the book. They are *gaps* because these are themes one might have expected Saunders to utilise, given his intellectual commitments. The first is the absence of customary law. The idea that custom can make, interpret, and even change law is a common feature of traditional Christian legal thought, finding clear expression in Thomas Aquinas's *Summa Theologiae*, for example. But Saunders treats law-making almost entirely as a matter of legislation.⁸ The only exception I noticed is when he refers to judges 'making law' through

² See, eg, Benjamin B Saunders, *The Crisis of Civil Law: What the Bible Teaches about Law and What It Means Today* (Lexham Press, 2024) 127, 191.

³ Ibid 127.

⁴ See, eg, *ibid* 51–2, 59, 124–5.

⁵ Ibid 128.

⁶ Ibid 97–103.

⁷ Ibid 154–5.

⁸ See, eg, *ibid* 11, 109, 116–21, 139.

common-law adjudication.⁹ Since Saunders is concerned about excessive legislation, as noted above, and also frequently mentions the need for wisdom in forming law appropriate to the changing circumstances of life, granting a place for customary law would seem to advance his agenda on several fronts.

The other gap I perceive is the absence of a developed theology of the two kingdoms, and/or some other conception of ‘the two’. Classical Christian legal and political thought has frequently utilised distinct but related categories such as the two kingdoms, two cities, two powers, and two swords to explain the limited authority of law and government and the place of Christians and the Church in the broader world, issues highly pertinent to Saunders’ book. Yet instead of developing one or more of these categories positively, Saunders reserves two pages late in the book¹⁰ for a rather confusing dismissal of the two kingdoms idea, at least in ‘extreme’ form. Yet most or all of the proponents of the idea he cites (including the present reviewer) do not actually hold the position he seems most eager to reject, namely, that ‘Scripture has little or no applicability outside the church’.¹¹ Developing a positive doctrine of ‘the two’ would not only put Saunders’ work in close contact with older Christian thought but may also help to clarify his discussions of the First Table of the Law.

Saunders’ work offers a great deal of insight and much stimulation for those interested in law from a Christian perspective. His attention to Scripture, grounding in the natural law tradition, and knowledge of the contemporary legal scene, combine to make this a book of gravity that deserves a wide readership.

⁹ Ibid 190.

¹⁰ Ibid 182–3.

¹¹ Ibid 182.