

Mount Hollywood United Church of Christ – Los Angeles
Sixth Sunday after Epiphany – February 12, 2017
Rev. Anne G. Cohen, Minister

Psalm 119:1-8

For Reflection

“The Moral Law isn't any one instinct or any set of instincts: it is something which makes a kind of tune (the tune we call goodness or right conduct) by directing the instincts. (...) The most dangerous thing you can do is to take any one impulse of your own nature and set it up as the thing you ought to follow at all costs. There's not one of them which won't make us into devils if we set it up as an absolute guide. You might think love of humanity in general was safe, but it isn't. If you leave out justice you'll find yourself breaking agreements and faking evidence in trials 'for the sake of humanity,' and become in the end a cruel and treacherous man.”

— C.S. Lewis, *The Case for Christianity*, (1898-1963)

The Rule of Law

There are 613 Jewish Mitzvot (Commandments) in the Torah – the first five books of our Hebrew Testament. Judaism 101 has an amazing list of these under helpful headings – with Biblical citations for each one:

G-d	Property
Torah	Criminal Laws
Signs & Symbols	Punishment & Restitution
Prayer & Blessings	Prophecy
Love & Brotherhood	Idolatry
The Poor	Agriculture
Gentiles	Clothing
Family	The Firstborn
Forbidden Sex	Priests & Levites
Times	Tithes & Taxes
Dietary Laws	The Temple
Business Practices	Sacrifices & Offerings
Employees	Ritual Purity
Vows	Leprosy
Sabbatical & Jubilee	The King
Court	Nazarites
Injuries & Damages	Wars

<http://www.jewfaq.org/613.htm>

Here are a few simple – even familiar ones:

G-d: To know that G-d exists

Torah: To honor the old and the wise
To learn Torah and to teach it

Signs and Symbols: To circumcise the male offspring

Treatment of Gentiles: To love the stranger
Not to wrong the stranger in speech
Not to wrong the stranger in buying or selling

<http://www.jewfaq.org/613.htm>

Laws exist – and have existed since the dawn of communal living.

They exist in a time and context and for specific reasons.

There was some controversy in the early church about whether Gentile Christians had to follow the same laws as Jewish Christians. Jesus himself had a controversial stance on Jewish Law – violating some laws that caused undue suffering to those least able to endure it m, – and pointing to others that kept people from abusing each other. He seemed more interested in the spirit of the laws rather than the letters.

Many of the 613 Jewish laws are no longer in effect in the U.S.A. in all but Orthodox communities because they are no longer relevant to life in America in 2017:

Not to sanctify blemished cattle for sacrifice on the altar

Not to allow the Sanctuary to remain unwatched

Not to wear garments made of wool and linen mixed together

We seem to have held on to at least ten of the original laws – and see the social benefit in things like anti-incest laws and the importance of a judiciary.

The Judicial Learning Center in St. Louis has a helpful description of what The Rule of Law means in our current society:

1. The American commitment to the rule of law means that every citizen is governed by the same laws, applied through a fair and equal judicial process to resolve disputes peacefully.
2. Faithfulness to the rule of law allows us to live in a civil society in which everyone's rights are respected; where each of us is guaranteed liberty and equality of opportunity.
3. As citizens, we respect the laws because they are clearly communicated and fairly enforced. Everyone is held accountable to the same laws, and those laws protect our fundamental rights. This is the foundation of the rule of law in the United States.

4. The words “Equal Justice Under Law” are engraved on the front of the United States Supreme Court building in Washington, D.C... These words embody the ideal of the RULE OF LAW, which is at the heart of our American democracy.
5. In the United States, we have written laws in place to help us settle disagreements peacefully through a fair system of justice. It is the job of the courts to interpret the laws. It is up to judges and juries to decide if we have indeed broken the law.

<http://judiciallearningcenter.org/law-and-the-rule-of-law/>

The mission of The Judicial Learning Center is to promote public understanding of the function and value of the judicial branch of government, especially at the federal level.

On the stump and during his acceptance speech at the Republican National Convention, Donald Trump declared himself “**the law-and-order candidate.**”

<https://verdict.justia.com/2016/07/27/trumps-law-order-versus-rule-law>

Speaking [two weeks ago] at the Department of Homeland Security in Washington, D.C., Trump ordered federal employees to enforce the laws as they are currently written.

“From here on out, I’m asking all of you to enforce the laws of the United States of America. They will be enforced and enforced strongly,” Trump said. “We will work within the existing system and framework. We are going to **restore the rule of law** in the United States...”

<http://www.theblaze.com/news/2017/01/25/trump-we-are-going-to-restore-the-rule-of-law/>

He has been using these terms interchangeably – Rule of Law * and * Law-and-Order. But they mean different things.

Under the Rule of Law: “Faithfulness to the rule of law allows us to live in a civil society in which everyone’s rights are respected; where each of us is guaranteed liberty and equality of opportunity.” Laws are enforced, but exceptions are made when the person under a law is compromised, unable to live into those expectations for some reason – such as mental or physical disability or lack of financial resources, physical safety is in jeopardy or a law is being enforced unevenly. Judges have to make decisions about what is fair and just in ANY situation.

As legal philosopher Jeremy Waldron has written, the rule of law is “a multi-faceted ideal.” Its facets include certainty, predictability, even-handedness, impartiality, procedural fairness, and more.

Some aspects of the rule of law can come into conflict with one another in concrete cases. For example, strict application of rules without the occasional creation of ad hoc exceptions fosters predictability, but may undermine even-handedness when the rule maker fails to anticipate how a one-size-fits-all rule

unfairly lumps together some people who are not similarly situated. Accordingly, just as reasonable people can and do disagree over what any particular law requires in close cases, so they can disagree over what the rule of law requires in such cases.

<https://verdict.justia.com/2016/07/27/trumps-law-order-versus-rule-law>

With the concept of Law-and-Order, there is no consideration of fairness. This enforcement of law is usually used in the face of social disquiet or anti-establishment sentiment. It is used when someone in power perceives a threat to that power – whether or not that threat is real. (Enter “fake news” and “lies.”) The INS raids in at least states this week – purported to arrest and deport “criminals” (which is legal) but scooping up innocent people at the same time with the same ends – is an example of law-and-order behavior. The judges who put a stay on the Muslim immigration ban offered a perfect example of the Rule of Law.

A self-titled Civil Liberties Expert offers another way to understand this”

Laws exist for five basic reasons, and all of them can be abused. Below, read the five major reasons why we need laws in our society to survive and thrive.

1. The Harm Principle

Laws created under the Harm Principle are written to protect people from being harmed by others...

2. The Parental Principle

In addition... some laws are written to prohibit self-harm...

3. The Morality Principle

Some laws are based not strictly on harm or self-harm concerns, but also on promoting the personal morality of the law's authors. These laws are usually, but not always, grounded in religious belief...

4. The Donation Principle

All governments have laws granting goods or services of some kind to its citizens...

5. The Statist Principle

The most dangerous laws are those intended to protect the government from harm or to increase its power for its own sake. Some Statist Principle laws are necessary -- **laws against treason and espionage, for example, are essential to the stability of government.** But Statist Principle laws can also be dangerous -- **laws restricting criticism of the government,** such as flag burning laws that prohibit the desecration of symbols that remind people of the government, **can easily lead to a politically oppressive society full of imprisoned dissidents and frightened citizens who are afraid to speak out.**

<http://civilliberty.about.com/od/historyprofiles/tp/Why-Laws-Exist.htm>

Under statism, the government is not a policeman, but a legalized criminal that holds the power to use physical force in any manner and for any purpose it pleases against legally disarmed, defenseless victims.

aynrandlexicon.com/lexicon/statism.html

Interesting to note that the concept of “Statism” is linked to the Ayn Rand Lexicon – a compilation of her “objectivist philosophy” – having to do with rational (dare I say rampant) individualism. And this brings us back to Trump. We have a narcissistic individualist using the power of government to impose laws which will benefit himself. “What a tangled web we weave...”

If I can somehow bring this home, our text this morning lifted up the beauty and joy of living under the laws and decrees of G-d. Being Christians apt to interpret G-d’s laws according to their merciful, compassionate – as well as just – impact – we might want to take a look at what is happening around us and resist mightily. We need our lawyers and judges now more than ever – to protect us from those who would use the law of the land against those unable to fight back.

May G-d’s mercy prevail.

Scripture Reading for Sunday February 12, 2017 – Epiphany 6 – Year A

Psalm 119:1-8

- 1 Happy are those whose way is blameless, who walk in the **law** of the LORD.
- 2 Happy are those who keep his **decrees**, who seek him with their whole heart,
3 who also do no wrong, but walk in his ways.
- 4 You have commanded your **precepts** to be kept diligently.
- 5 O that my ways may be steadfast in keeping your **statutes!**
- 6 Then I shall not be put to shame, having my eyes fixed on all your **commandments.**
- 7 I will praise you with an upright heart, when I learn your righteous **ordinances.**
- 8 I will observe your **statutes**; do not utterly forsake me.