

# THE THEOLOGY OF LAW OF NORMAN ANDERSON

DAVID MCILROY

*The Theology of Norman Anderson was developed over many years and this article looks at its main strands in the light of both Anderson's published and unpublished writings. Anderson's work ranged over a very wide area covering themes such as law and grace, law and love, natural law, morality, law and freedom and the role of government. The article covers all of these and concludes by looking at Anderson's views on law and social justice, one area where the author finds that his thought might have been more fully developed.*

## Introduction

Professor Sir Norman Anderson QC, OBE, LLD, DD, FBA (1908-94) was a missionary in the Middle East, and a successful academic, rising to become Professor of Oriental Laws in the University of London, Director of the Institute of Advanced Legal Studies and the first Chairman of the Church of England's House of Laity in the General Synod.

Anderson's academic specialism was in oriental laws, particularly Islamic law as applied in Africa and the Middle East, but he was widely read in many areas. He was very learned in the law and theology of Islam, and wrote lucidly on Judaism, Buddhism and Hinduism for the general reader. In his books on comparative religion, he was charitable and fair-minded in expounding the ideas of non-Christian faiths, whilst always defending the uniqueness of Christianity. His soteriology was inclusivist. He insisted on the universal relevance of the atoning death of Jesus Christ as God's appointed way of redeeming the world, and on the necessity for some degree of recognition of personal guilt or inadequacy, and consequent need for God's mercy and forgiveness, in order to experience the benefits of that atonement.<sup>1</sup>

Anderson sought to play to his strengths which were as a lawyer. As a lawyer, he could spot a bad argument and demolish it. As a comparative lawyer with a specialism in religiously inspired laws he was well aware of the inter-relationship between theological viewpoints and understandings of law. There are, however, many Gordian knots in theology in which he leaves his readers to untie themselves and a number of themes are only hinted at rather than developed thoroughly.

Anderson's books were deliberately popular. He wrote to convince that the gospels provided good, reliable evidence for the physical resurrection of Jesus;<sup>2</sup> he wrote to

<sup>1</sup> Anderson, *God's Law & God's Love: An Essay in Comparative Religion* (London: Collins, 1980) 32, 128; *Freedom under Law* (Eastbourne: Kingsway, 1988) 163; *Christianity and World Religions: The Challenge of Pluralism* (Leicester: IVP, 1984) 145-55.

<sup>2</sup> For example, Anderson, *The Teaching of Jesus* (London: Hodder & Stoughton, 1983) chapters 3 and 4.

encourage intelligent, lay audiences that destructive and dismissive approaches to certain aspects of biblical revelation were based on mistaken and dogmatic presuppositions rather than careful and methodological analysis of the evidence;<sup>3</sup> he wrote to promote the truth of Christianity despite the claims of other religions. In a number of books and a wide range of speeches,<sup>4</sup> Anderson developed a Christian theology of law in conversation with the theologies of law held in Judaism and Islam and the ideology of secularism (which Anderson refers to as “humanism” in his writings).

### Law and Grace

In *Christianity and World Religions*, Anderson said: ‘[Islam] is ... pre-eminently a religion of law’.<sup>5</sup> His assessment of Orthodox Judaism is also that this ‘has been basically a religion of law, from which the recurrent mystical movements have represented, in part a reaction in favour of love.’<sup>6</sup>

Contrary to the position taken by Marcion many centuries ago and by Anders Nygren in the twentieth century,<sup>7</sup> however, Anderson insisted that Old Testament Judaism was not like Islam in this regard. Anderson was insistent about the priority of grace over law in both the Hebrew Scriptures and the New Testament. He stressed that ‘it is essential to see the Mosaic law as a whole, and the Decalogue in particular, as the stipulations attached to a covenant originally made with Abraham, and renewed to Israel as a people redeemed by the Exodus from slavery in Egypt.’<sup>8</sup> In one of his most pithy sentences, Anderson says: ‘the law of Moses was in fact given to a redeemed people as a way of life, not to an unredeemed people as the means of redemption.’<sup>9</sup>

In the final chapter of *Freedom under Law*, Anderson argues against creating a false antithesis between the Mosaic law and God’s grace but also against creating a false synthesis. His ideas in that chapter were summarised in an unpublished talk entitled ‘Law and Grace’, in which Anderson says that the relationship between ‘Law and Grace’ is one on which it is ‘fatally easy to be woolly-minded’:

(i) The false antithesis between Law and Grace which sees the Old Testament as all

<sup>3</sup> For example, Anderson, *The Teaching of Jesus* chapter 2 ‘The Jesus of History and the Christ of Faith’.

<sup>4</sup> Anderson’s manuscript notes for his talks, usually written on the back of scraps of paper, are held in the Special Collections Reading Room of SOAS’s library. Rather frustratingly, however, almost none of the manuscript notes are dated, so any reconstruction of the sequence of Anderson’s talks might be laborious and tentative.

<sup>5</sup> Anderson, *Christianity and World Religions*, 105; *God’s Law & God’s Love*, 92.

<sup>6</sup> Anderson, *God’s Law & God’s Love*, 70.

<sup>7</sup> Nygren, *Agape and Eros* (London: SPCK, 1953). Nygren’s argument is demolished by Wolterstorff in *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008) at 98-109.

<sup>8</sup> Anderson, *Freedom under Law*, 105.

<sup>9</sup> Anderson, *God’s Law & God’s Love* 43; *Freedom under Law*, 155. In *Christianity and World Religions* 144-45, Anderson argues that Old Testament Jews were saved by grace through faith, not on the basis of their animal sacrifices ‘but on the basis of what that sacrifice foreshadowed.’

about law and the New Testament as all about grace misunderstands the nature of God, and reads the Bible ‘as though there was no continuity or consistency in His dealings, attitude and character.’ In fact, there is Law and Grace in both Testaments because ‘Law and Grace [are] in the very character and heart of God.’

‘[Such] a false antithesis can lead to a Virtual Antinomianism in theory and practice.’

(ii) The false synthesis of law and grace means that not only do we fail to understand the purpose and place of each, we also fail to grasp the way of salvation and the path of sanctification.<sup>10</sup>

Anderson argued that the Mosaic law was a kind of tutor to bring us to Christ (Gal. 3: 24) in three distinct ways:

‘First, in the sense that the moral law convicts us all of sin: of commandments we have transgressed and of standards we have failed to achieve. So it brings home to us our need for forgiveness (that is, for grace) as our only hope. The ceremonial law, moreover, always pointed the repentant sinner to the promises of grace – but grace in the semblance and shackles of law. So that too, was designed to lead to Christ and his cross, where grace stands fully revealed. ... Again, the moral law reveals not only our transgressions and failures, but the essential sinfulness of the human heart. So it drives us to regeneration (that is, to grace) as the only remedy.’<sup>11</sup>

Anderson understood Christ to have fulfilled the Mosaic law in distinctive ways relating to the traditional threefold distinction between the moral law, the ceremonial law, and the ‘civil’ law.<sup>12</sup> He acknowledged that this distinction ‘would have been largely incomprehensible to Israel of old’ but nonetheless maintained that it was helpful, ‘in retrospect, to distinguish the very different ways in which Jesus may be said to have “fulfilled” its heterogeneous strands’.<sup>13</sup>

I presume that, if pressed, he would have been prepared to qualify his understanding of the law in the way Chris Wright has suggested so as to recognise the unity of the Mosaic law and its provisions as each potentially having moral, ceremonial and civil dimensions.<sup>14</sup>

Anderson’s approach to the Mosaic Law can be seen in practice in his views on capital punishment. Anderson saw the Mosaic Law as teaching as a moral principle

<sup>10</sup> Anderson, ‘Law and Grace’, SOAS Special Collections Reading Room PP/MS/60/02 box 6 file 22. The passage summarises what Anderson sets out at greater length in *Freedom under Law* at 154-160.

<sup>11</sup> Anderson, *Morality, Law and Grace* (London: Tyndale, 1972) 122.

<sup>12</sup> Anderson, *Morality, Law and Grace*, 118-120; *God’s Law and God’s Love*, 108-9, 179; *The Teaching of Jesus*, 84-85.

<sup>13</sup> Anderson, *The Teaching of Jesus*, 81.

<sup>14</sup> C.J.H. Wright, *Living as the People of God: The Relevance of Old Testament Ethics* (Carlisle: Paternoster, 1990); *God’s People in God’s Land: Family, Land, and Property in the Old Testament* (Carlisle: Paternoster, 1997); *Old Testament Ethics for the People of God* (Leicester: IVP, 2004).

that murder must be punished by any community, but he rejected Kant's view that the punishment for murder must *always* be the death penalty. He therefore argued that

'It is ... only the moral law of the Old Testament which is now incumbent on Christians, not the ceremonial law, which found its complete fulfilment in Christ, or the civil and criminal law in regard to which a Christian is now subject to the laws of the State in which he lives – although it is, of course, his duty to do his best to ensure that those laws are right and just and even to disobey a law which is flagrantly against his conscience. All in all, therefore, my own view is that it was right, in all the circumstances, that the death penalty for murder should have been abolished in this country, and that it should not be brought back unless this seems to be the *only* way in which murderous attacks on the police or prison warders, or wanton killing in the course of terrorism, can be restrained.'<sup>15</sup>

### Law and Love

Anderson insisted that although love takes priority in the moral universe, it is not antithetical to law or to the value of subordinate moral principles. Anderson was clear that 'it would be grossly inadequate to interpret sin solely "in a legalistic fashion as a transgression of commandments instead of a deep violation of personal relationship", but argued nonetheless that the New Testament teaches that to love God (i.e. to have a personal relationship with him) *is* to keep His commandments.'<sup>16</sup>

Anderson argued that just as the redeemed people of God under the Old Covenant were obliged to live according to the Mosaic law, so the redeemed people of God under the New Covenant are obliged to live according to Christ's law (1 Cor. 9:20-21).

For Anderson, Christian ethics is about what it means to work out what the two great commandments mean in practice. 'Love, first to God and then to their neighbours, was to be their supreme criterion; but the idea that fallen men and women can dispense with prescriptive moral principles "except as mere guide lines", and launch out on life with love as their sole absolute, seems to me wholly inadequate.'<sup>17</sup>

Anderson therefore rejected Joseph Fletcher's situation ethics,<sup>18</sup> maintaining that love alone 'is inadequate [as a guide to moral behaviour] because fallen man needs clearer moral guidance than one single rule which he is inherently unable

<sup>15</sup> Anderson, *Issues of Life and Death*, 2<sup>nd</sup> edn., (London: Hodder & Stoughton, 1978) 121; *Into the World: The Need & Limits of Christian Involvement* (London: Falcon, 1968), 40.

<sup>16</sup> Anderson, *A Lawyer among the Theologians*, 167.

<sup>17</sup> Anderson, *Freedom under Law*, 167.

<sup>18</sup> At several points in his writings, Anderson argues for 'Principled Ethics' over and against Joseph Fletcher's 'Situation Ethics': *Freedom under Law* 170; *God's Law & God's Love* 130-31; 'Ethics: Relative, Situational or Absolute', (1975) 9 *Vox Evangelica* 28-36.

(particularly in times of conflict and temptation) to interpret and apply.<sup>19</sup>

Anderson saw the teaching of Jesus as the definitive expression of God's law.<sup>20</sup> He endorsed Robert Banks' suggestion that 'while the [Mosaic] Law has not been abrogated, "it is in the demands of the Kingdom, not in its own continued existence, that the Law is validated"'.<sup>21</sup> '[Jesus] "fulfilled" the Law and the Prophets by personifying all that the prophets had predicted and by giving in his own authoritative teaching what the Mosaic law had adumbrated by precept, type and symbol.'<sup>22</sup> However, Anderson maintained that 'It is clear that both Jesus and his apostles regarded the basic moral injunctions of the Mosaic law as incumbent on all Christians'.<sup>23</sup>

Because of the consistency of God's character and the progressive nature of God's revelation of Godself in the Bible, 'God's moral laws are our Maker's Directions as to how love is best to be exercised and expressed.'<sup>24</sup> The moral law therefore remains indispensable in giving Christians a principled basis for expressing love.

Anderson understood the commands of Jesus and His apostles as being designed to delineate the rightful manifestation of neighbour love and to guard against its abuse.<sup>25</sup> Thus Anderson attempted to steer between the Scylla of legalism and the Charybdis of antinomianism.<sup>26</sup>

In his writings, Anderson frequently contrasted the Old Covenant whose 'laws and stipulations ... were engraved on two tablets of stone which commanded an external, unwilling and even impossible obedience' with the New Covenant '[in which] our Lord's commands are written on his people's minds and hearts (Heb. 10:16; Jer. 31:33), so that we are day by day reminded of them, and experience a real desire to keep them.'<sup>27</sup>

Anderson argued that Jesus taught that 'the "New Covenant" which he had come to inaugurate would change the whole question of law-keeping from a vain attempt to observe an external Code, which demanded an unwilling (and even impossible) obedience, into a glad response, enabled by his Spirit, to the inward promptings of love. That was why he could say that "my yoke is easy and my burden is light"'.<sup>28</sup> Jesus 'substitute[d] a law written on men's hearts and minds for commandments

<sup>19</sup> Anderson, *Morality, Law and Grace*, 112, 50-54.

<sup>20</sup> Anderson, *The Teaching of Jesus*, 98-99.

<sup>21</sup> Anderson, *The Teaching of Jesus*, 83, quoting Banks, *Jesus and the Law in the Synoptic Tradition* (Cambridge: Cambridge University Press, 1975) 222.

<sup>22</sup> Anderson, *The Teaching of Jesus*, 155.

<sup>23</sup> Anderson, *Freedom under Law* 165, citing Mark 10:19 and Galatians 5:16, 19-21.

<sup>24</sup> Anderson, 'Ethics: Relative, Situational or Absolute', 34; 'What does the idea of "Natural Law" mean?', unpublished manuscript, SOAS Special Collections Reading Room, PP/MS/60/02 box 8 file xxiv; *The Teaching of Jesus*, 84.

<sup>25</sup> Anderson, *Freedom under Law*, 168.

<sup>26</sup> Anderson, *God's Law & God's Love*, 185.

<sup>27</sup> Anderson, *Freedom under Law*, 124.

<sup>28</sup> Anderson, *God's Law & God's Love*, 107, 186; *Into the World* 36; *The Teaching of Jesus*, 64, 86.

engraved on tablets of stone'.<sup>29</sup>

As Anderson read the relationship between the two Testaments, the Old Testament told the story of God's gracious relationship to Israel, a relationship in which Israel repeatedly failed to keep God's written, external law as given through Moses; whereas the New Testament tells the story of God's gracious relationship to the Church as the New Israel,<sup>30</sup> in which God's law is written internally on human hearts by the Holy Spirit.

Both Israel's failure to keep the Mosaic law and the need for the Holy Spirit in order to live godly lives were key to Anderson's approach to positive (i.e. human) law. Anderson's view of the role of human law is based upon his stress on the realities of human sinfulness and the imperative of regeneration by the Holy Spirit in order to live a truly Christ-like lifestyle.<sup>31</sup> On questions such as divorce, his opinion was that whatever God's ideal standard for Christians, secular law had to recognise and deal with in the best way, in all the circumstances, the reality of human frailty and failings.<sup>32</sup>

#### **Natural Law, Divine Law and Positive Law**

Nonetheless, Anderson argued that Christian morality could and should be brought to bear on questions of law. His basis for doing so was not only the universal authority of Jesus' teaching but also the idea of natural law, or what he saw as its Reformed equivalent, the doctrine of common grace.<sup>33</sup> In *Into the World*, Anderson offers a Trinitarian doctrine of general providence, contending that '[God] still works out His purposes, even in those who reject His sovereignty, by His gifts of "common grace" ... , by the light shed on all men by the Eternal Word, and by the operations of the Holy Spirit'.<sup>34</sup>

Anderson's understanding of natural law was that despite the distortions caused by the Fall, 'the requirements of God's law are still, basically, "written on [man's] heart", and he knows something of God's judgment on sin (Rom. 2:15 and 1:32). He still knows the meaning of love; he still, within limits, has a freedom of choice; and he still enjoys a delegated authority over nature'.<sup>35</sup>

Anderson therefore maintained that 'the ... sense of Natural Law – that man is a rational being who can in some degree perceive the will of God, and on whose heart the requirements of that will are in some part written – is as true today as it ever

<sup>29</sup> Anderson, *The Teaching of Jesus*, 164.

<sup>30</sup> On Anderson's view of the relationship between the Church and Judaism after Jesus, see *Christianity and World Religions*, 155-61.

<sup>31</sup> Anderson, *Into the World*, 42. At 48 and 56 in the same volume, he cites liberty of conscience as another key reason for not seeking to impose the totality of Christian ethics on society as a whole.

<sup>32</sup> Anderson, *Into the World*, 60-62.

<sup>33</sup> Anderson, *Law, Liberty & Justice* (London: Stevens & Sons, 1978) 16-17; *Into the World*, 37, 52.

<sup>34</sup> Anderson, *Into the World*, 17.

<sup>35</sup> Anderson, *Issues of Life and Death*, 22.

was. And this is true not only to the Christian, but to man as man.<sup>36</sup>

The Natural Law approach raises a number of questions, including: how are we to understand natural law itself?, how are human beings enabled to read nature? and how much should Christians read into nature?

In *God's Law & God's Love* (1980), Anderson adopts Oliver Barclay's suggestion that it might be better to speak in terms of creation ethics, instead of natural law, so that rather than starting with the world and seeking to derive moral imperatives just from the way the world is, we start with God's revelation and in the light of that look at God's creation and seek to identify 'moral imperatives that are both divine commands and also good sense.'<sup>37</sup>

On the question of how human beings are enabled to read nature, Anderson favoured the interpretation of natural law as 'an intuitive sense of what is right and wrong, just or unjust, divinely implanted in men's hearts' over the idea of the natural law as 'a divine law inscribed in the very nature and structure of the universe in such a way that it can, in part, be read off by the minds of rational creatures',<sup>38</sup> on the basis that the former seemed to him to be the way in which Paul approaches the question in Romans 1 and 2. He briefly discusses Aquinas's position, noting that although Aquinas's presentation of natural law indicates that 'it is [, in principle,] accessible to unaided human reason, ... [Aquinas] himself believed that "the light of natural reason, by which we discern good from evil," was in fact "the impression of the divine light in us."<sup>39</sup> I think it is possible to conclude from Anderson's remarks in *Christianity and World Religions* that Anderson saw this work of revealing God's law in creation to human beings as a work of the Holy Spirit, but he never says so expressly, and he would rightly be insistent that this work is very different from the intimate action of the Holy Spirit indwelling the Christian.<sup>40</sup>

On the third question of how much Christians should read into natural law, Anderson criticised Roman Catholics for over-extending the idea of natural law beyond its proper boundaries, seeking to prove too much from it.<sup>41</sup> In *Freedom under Law*, he stressed that:

<sup>36</sup> Anderson, *Issues of Life and Death*, 131.

<sup>37</sup> Anderson, *God's Law & God's Love*, 38, quoting Barclay 'The nature of Christian morality' in B.N. Kaye and G.J. Wenham *Law, Morality and the Bible* (Leicester: IVP, 1978) 129.

<sup>38</sup> Anderson, *Law, Liberty & Justice*, 16.

<sup>39</sup> Anderson, *Law, Liberty & Justice*, 16.

<sup>40</sup> The passages which lead me to this conclusion are at 146 where he argues that judging people on the basis of the light available is required by the most elementary principles of justice but that even on that basis, all have sinned and fall short of the glory of God, and 151 where he goes on to suggest that 'did the God who is "the Creator and Maker of the whole world" go on "continually inflaming some spark [of his grace] among them" only that they might all be "without excuse" and without any possibility of salvation? May it not be compatible, both with Scripture and experience, to suggest that God sometimes so works in men's hearts by his grace that, instead of them "holding down the truth", he opens their heart to it and enables them to embrace such of it as has been revealed to them?'

<sup>41</sup> Anderson, 'What does the idea of "Natural Law" mean?'

‘To attempt to work out a comprehensive legal system from the principles of natural law is, no doubt, a vain endeavour. But this does not mean that its salient principles ought not to be enshrined in every system of law; for the fact that men and women were created “in the image and likeness of God” implies the basic worth and inherent dignity of every member of the human race.’<sup>42</sup>

Although Anderson thought that natural law was of considerable use in formulating legal responses to moral questions, he did not think that legal solutions could be derived simply and directly from natural law principles.

‘We must never abandon those “Maker’s Directions” which provide us with ethical standards of abiding validity; but man made in the image of God means, in practice, a vast variety of men and women with very different natures and circumstances which must be taken into account in applying these moral “absolutes” to their individual problems.’<sup>43</sup>

It is important to emphasise that Anderson did not see natural law as sub-Christian nor as excluding Christian arguments for legal reform based on specifically Christian principles. We turn, therefore, in the next section, to consider Anderson’s understanding of the proper relationship between law and morality.

### **Law and Morality**

For Anderson, dealing with situational ethics, the upheavals of the sexual revolution and the development of what was described as the “permissive society”, the pressing issue about the relationship between Christianity and social order was that of the relationship between law and morality.

We are familiar today with a clear distinction between law and morality. Anderson was mindful of this and did not succumb to the lazy nostalgia for an imagined past in which Christian morality and the law of the land were in much closer alignment. Many of the works of Norman Anderson from which I am quoting were written by him in later life. He displayed, however, a commendable tendency not just to insist that things were better in the older days. Whilst recognising the rise of the permissive society he also noted, and commended, the reduction of racism.<sup>44</sup>

Anderson pointed out that law and morality are interdependent. ‘[M]orality cannot dispense with law in the regulation of human conduct, and ... the law could not maintain its hold on men’s allegiance if it were not reinforced by moral imperatives.’<sup>45</sup>

In a talk on ‘Law, Justice and Morality’ given by Anderson in 1985, he argued:

(a) Law needs morality to reinforce it. Otherwise [it is just] pure compulsion.

<sup>42</sup> Anderson, *Freedom under Law*, 72.

<sup>43</sup> Anderson, *Issues of Life and Death*, 132.

<sup>44</sup> Anderson, *Freedom under Law*, 84-90; *Morality, Law and Grace*, 40-41.

<sup>45</sup> Anderson, *Morality, Law and Grace*, 105.

So [it is] important not to have too many criminal offences which people regard as morally indifferent.

- (b) Morality needs law to help formulate public opinion. When we “legalise” something people begin to think [the] thing concerned doesn’t matter. ... (cf. homosexual acts in private between two adult males.)

What, then, is the difference between morality and law?

- (i) Morality is “maximal”; law (comparatively) “minimal”. Morality: “Thou shalt love your neighbour”; Law: “Thou shalt not injure your neighbour in specific ways.”
- (ii) Morality is “inward”; law (comparatively speaking) “outward”.
- (iii) Morality and law are not co-extensive, therefore. Morality makes many demands law *cannot* enforce (love, etc.). Law must include much about which morality is indifferent (e.g. which side of the road to drive upon, the point at which ownership passes in contracts of sale). In such things the basic issue is morally indifferent and morality consists in acting according to law.’

Yet, at the same time, morality and law are interdependent.

- (1) Law desperately needs reinforcement by morality.

Why do people keep the criminal law (by and large)?

Fear of the police, sanctions, etc., but also public opinion.

Question of moral opprobrium (Incidentally, [this should] warn against proliferation of statutory offences).

- (2) Morality needs reinforcement of law. Positive, e.g. laws against discrimination. Negative – relaxation of laws causes changes of moral views (homosexual offences; easy abortion; demand for euthanasia).’

With regard to the enforcement of morality through the criminal law, Anderson argued that

‘even if we conclude, as I think we must, that there are cogent reasons ... why the criminal law should not – normally, at least – seek to punish private immorality *as such*, we are left with three basic principles: that the criminal law can properly be invoked (i) to prevent harm being caused to anyone (even where consenting adults are concerned), or to the public at large; (ii) to minimise offence being given to the reasonable susceptibilities of others, as in cases of public indecency; and also ... (iii) to prevent confusion in the social structure of a community, such as the recognition of polygamy among the members of a society committed to monogamy.’<sup>46</sup>

<sup>46</sup> Anderson, *Freedom under Law*, 97.

Anderson recognised the question of enforcement of morality, and in particular the enforcement of morality through the criminal law, as problematic and requiring the exercise of judgment.

'Disadvantages of introducing penal sanctions. Must take into account

- (a) public opinion,
- (b) the ability of the police to enforce (prohibition in USA),
- (c) Prospect of comparative "fairness",
- (d) Balance of side-effects (blackmail, invasions of privacy),
- (e) Question of moral maturity'.

Anderson's list of the factors to be taken into account varies slightly in his writings. In a talk entitled 'Concern for Law and Morality', he added the danger of a police state to the list of factors to be considered.<sup>47</sup>

Overall, Anderson concludes that Christians ought to 'ensure that laws are drafted, enacted and put into operation which give the greatest effect to these principles (i.e. those which evangelical Christians regard as important) which is feasible in the circumstances of contemporary society.'<sup>48</sup>

Nonetheless, Anderson recognised that 'legislation and the courts can provide, at best, only a very limited answer to social and moral problems, and that the Church must bear witness to the paramount need for a public opinion and moral ethos which go far beyond what any statute can require or any magistrate impose.'<sup>49</sup>

### Law and freedom

Anderson agreed with the Thomist view that 'structure, order etc' would be necessary even in a perfect society',<sup>50</sup> but nonetheless he recognised that the main reason for government is that selfishness is endemic to fallen, human society. 'If there were no legal restrictions, then, in this very imperfect world, [there would be] murder, assault, exploitation of the poor by the rich (as in the factories), exploitation of racial distinctions, exploitation of sex.'<sup>51</sup>

In *Freedom under Law*, Anderson pointed out that 'no community has ever existed without laws, however primitive, nor without any attempt to restrain those who flout them.'<sup>52</sup> Echoing Hobbes, Anderson argued that 'almost everyone would

<sup>47</sup> Anderson, 'Concern for Law and Morality', unpublished talk, manuscript held at SOAS Special Collections Reading Room PP/MS/60/02 box 7 file xxiii.

<sup>48</sup> Anderson, *Into the World*, 57.

<sup>49</sup> Anderson, *Into the World*, 57.

<sup>50</sup> Anderson, 'The Pursuit of Freedom', unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 7 file xxiii.

<sup>51</sup> Anderson, 'Untitled notes', unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 8 file xxiv.

<sup>52</sup> Anderson, *Freedom under Law*, 8.

prefer to enjoy basic personal “freedoms” within a stable community, rather than fight their way in the chaos of a situation in which each man is a law to himself.’<sup>53</sup>

Anderson’s central contention in *Freedom under Law* is that far from law and freedom being antithetical to one another, it ‘is certain that no personal freedom, and no equality of any sort, can ever exist without a structure of law.’<sup>54</sup>

Anderson’s argument was that law is misrepresented and misused if it is seen primarily in terms of restraint and restriction. The right use of law, he contended, was to protect and liberate. Law restrains and restricts because in this ‘very imperfect world, it is impossible to protect those who need protection without imposing some restraints on those who would otherwise exploit their vulnerability. But the basic purpose of law is the welfare of the community – which is also, of course, the goal of love.’<sup>55</sup>

### **The Role of Government**<sup>56</sup>

Law and politics are not wholly severable. Even if a case can be made for starting one’s theological thinking from law as opposed to politics, or vice versa, it is necessary to touch upon the one in the course of expounding a theology of the other.

Anderson’s theology of government was built around Romans 13:1-7 and 1 Peter 2:13-17 as well as the passage about whether it was right to pay tribute to Caesar in the Gospels (Mt 22:21; Mark 12:17; Lk 20:25).

Anderson argued that Romans 13:1-7 is not an isolated digression by Paul in that great letter, ‘with little or no connection with what goes before or after’ it. On the contrary, the flow of Paul’s argument from the end of chapter 12 into the beginning of chapter 13 is that ‘The Christian is not to take revenge against anyone. Judgment belongs to God, not to us. But God’s instrument is the State.’<sup>57</sup> It follows ‘that the obedience a Christian owes to the civil power within its rightful sphere, is itself part of his obedience to God.’<sup>58</sup>

However, Anderson’s recognition that government acts in some respects as God’s agent did not lead him to arguing that a Christian’s response to government is one of unqualified submission. In a talk ‘Christian standards in secular society’, Anderson insisted that ‘[the] Church must challenge totalitarian views of the State.’<sup>59</sup> Similarly, Anderson goes beyond the position that the Christian’s response

<sup>53</sup> Anderson, *Freedom under Law*, 23.

<sup>54</sup> Anderson, *Freedom under Law*, 23.

<sup>55</sup> Anderson, *God’s Law & God’s Love*, 9; *A Lawyer among the Theologians*, 202.

<sup>56</sup> This forms the subject matter of chapter 5 of *Into the World*.

<sup>57</sup> Anderson, ‘Law and Order’, unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 7 file xviii.

<sup>58</sup> Anderson, *The Teaching of Jesus*, 127.

<sup>59</sup> Anderson, ‘Christian standards in secular society’, unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 8 file xxiii; *Into the World*, 48-49.

is one of submission qualified only when the fundamentals of the Christian faith are at stake.

In relation to Romans 13, Anderson argued that ‘... the apparently unqualified injunctions of the first two verses of Romans 13 must be read in the light of the next two verses ... If ... a government becomes so degenerate that vicious laws are promulgated and enforced, corrupt officials are put in authority, injustice is perpetrated and the innocent are persecuted, then it is distinctly arguable that the duty to obey such a government no longer applies – at least in its entirety.’<sup>60</sup>

On another occasion, he suggested: ‘we should look at [Rom. 13:3-4] in two somewhat different ways:

- 1) that any civil government is better than none. This is profoundly true. The complete anarchy of fallen men would be (is) appalling. So it is basically for our good to have any government (rather than none) because virtually any government is against the evil of unrestricted disorder and anarchy.
- 2) ... God’s purpose for civil government is to commend the good and restrain (punish) the evil and, up to a point, this is true today, almost everywhere (although very much in degrees). But there may always come a time when it is no longer true. Cf. the Beast in Rev. 13, or the “man of lawlessness” in 2 Thess. 2:3-4.’<sup>61</sup>

Speaking at Sevenoaks’ Annual Civic Service in 1972, under the title ‘Caesar and God?’, he was more forthright. ‘[I]n any conflict of loyalties, we *must* obey God rather than men. Government’s authority in Rom. 13:1-2 is not absolute but qualified by Rom. 13:3-4, and therefore there ‘may come a time when the demands of an unjust government must be ignored, challenged, or resisted.’

Anderson went so far as to argue that, by analogy with the doctrine of the Just War, there was the possibility of a Just Revolution.<sup>62</sup> Nonetheless, he insisted in an unpublished talk entitled ‘Violence’ that ‘The Kingdom of God cannot be established by Revolution/ Violence’, that ‘Revolution/ Violence are never good in themselves. [They are] at best, the lesser of two evils.’<sup>63</sup>

<sup>60</sup> Anderson, *Issues of Life and Death*, 125; *The Teaching of Jesus*, 92.

<sup>61</sup> Anderson, ‘Law and Order’.

<sup>62</sup> Anderson, *Morality, Law and Grace*, 94-104, *The Teaching of Jesus*, 128-29; *Into the World* 44.

<sup>63</sup> Anderson, ‘Violence’, unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 7. The doctrine of the lesser of two evils was also an important part of the way in which Anderson saw his insistence on God’s Law as abiding moral principles working out in practice. He recognised that ‘it’s perfectly true that in this very imperfect world two of these may sometimes clash.’ Then we have to choose the lesser of two evils. The importance of the lesser of two evils doctrine is that although it determines that an act which is “evil” in [the] absolute sense, is “right” in this circumstance’, it does so without for a moment denying that the act retains its “evil” character: Anderson, ‘Law, Justice & Morality’, unpublished talk, SOAS Special Collections Reading Room PP/MS/60/02 box 5 file (vii); also ‘Should the Law embody Christian Morality?’ in the same location.

### Law and Social Justice

Anderson had a lively concern for victims of social injustice. Anderson was clear and insistent, from his earliest writings in the 1950s, about the importance of racial equality and about the biblical injunction to welcome foreigners. In *Into the World*, he thanks God that the drudgery of the working classes has been ended,<sup>64</sup> and mourned the evils of apartheid<sup>65</sup> and unjust international trade.<sup>66</sup> In his Hamlyn lectures entitled 'Law, Liberty and Justice' he stresses the importance of human rights and the positive contribution of racial discrimination legislation in Britain.

Those lectures are, however, disappointing in that Anderson does not, in them, develop a general account of social justice. Indeed, Anderson's conception of the relationship between law, liberty and justice in those lectures is that liberty is personal freedom, law is heteronomous command and justice consists in the appropriate balance between personal freedom and authority. That does not seem to me to be an adequate, or a sufficiently biblical, understanding of justice.

Elsewhere, there seems to me a similar lack of sustained thinking on Anderson's part about justice. Whereas prominent theologians today such as Oliver O'Donovan (in *The Desire of the Nations* and *The Ways of Judgment*)<sup>67</sup> and Nicholas Wolterstorff (*Justice: Rights and Wrongs*) debate the nature of justice in the Bible, Anderson consistently took what might now be regarded as the older approach of stressing that justice (*tsedeq* in the Old Testament and *dikaiosune* in the New) is primarily about personal holiness.<sup>68</sup>

Yet in his sermon given in Bristol at the start of the Legal Year, Anderson said, in unequivocal terms,

'[God] cares about [whether] man and woman have adequate food, decent housing, sanitary and healthful conditions; He cares about education, enlightenment and progress; that the poor (and all who need protection) should be set free from any social or economic exploitation; and that honesty, decency, morality and fair dealing should prevail in both civic and private life. And, to this end, it is His will that just laws should be promulgated, and should be administered with impartial justice by all concerned. This was proclaimed from the housetops by the Old Testament prophets, and is equally clear in the New Testament epistles, where we are explicitly told that it is the God-given function of governments ... "to punish those who do wrong and to commend those who do right".'<sup>69</sup>

<sup>64</sup> Anderson, *Into the World*, 24.

<sup>65</sup> Anderson, *Into the World*, 92-93.

<sup>66</sup> Anderson, *Into the World*, 94-96.

<sup>67</sup> O'Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge: Cambridge University Press, 1996); *The Ways of Judgment* (Grand Rapids: Eerdmans, 2005).

<sup>68</sup> Anderson, *The Teaching of Jesus*, 106-107.

<sup>69</sup> Anderson, 'Sermon at the beginning of the Legal Year', unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 6 file 18.

In his book-length exploration of Jesus' teaching, Anderson writes: 'Jesus clearly had a particular care for the poor and wanted his disciples to share his concern for social justice'.<sup>70</sup>

In some of his notes which did not carry a title, Anderson speaks of being 'compelled to stand against all that debases and dehumanises men and women.' The reason for this was Anderson's understanding, as a Christian, of the worth of human beings as created in the image of God.<sup>71</sup> Later on, he spells out what sorts of things he regarded as debasing and dehumanising men and women.

'It is perfectly true that often in the past and sometimes today the Church has been much more concerned with sexual morals than with social justice. This was wrong. But it is no reason to go to the opposite extreme and care for social justice exclusively, at the expense of sexual morals. Violence is one form of exploitation, economic injustice another, racism another, and pornography another.'

There seem to be two reasons for Anderson's caution about spelling out a biblical theology of social justice in his published writings. The first is that Anderson saw communism (which was a pressing issue during the Cold War when he was teaching and writing) as essentially a secularised messianism which saw social transformation as possible as a result of violent revolution, without the need for personal conversion.<sup>72</sup> In *Christianity and World Religions* (1984), he said 'the exploitation of the proletariat in the past – and still, in part, today ... is sad and sober fact; and Marx was right to insist that this must not only be recognized, but changed.'<sup>73</sup> Marx's errors were, however, to assume that every problem had an economic solution, that the proletariat were sinless, and that ending the oppression of the employers would usher in the golden age. In truth, argued Anderson, human sinfulness is ever-present and runs deep.

The second is that Anderson was still reacting against the social gospel.<sup>74</sup> In a talk which I believe he gave in the 1970s but the notes for which are untitled, he set his stall out clearly:

'Christ did not die to redeem institutions, but men and women. Institutions cannot be baptised, only men and women. ... Our essential Gospel is the individual gospel not the social gospel.

But, although society cannot be redeemed, it can be reformed (kept from

<sup>70</sup> Anderson, *The Teaching of Jesus*, 122, 138. Anderson preached a sermon on this topic, possibly at the Round Church in Cambridge, on James 4:13-5:6 entitled 'Affluence and the Christian'.

<sup>71</sup> Anderson, *Into the World*, 14-16. More recently, Nicholas Wolterstoff has made a similar argument in *Justice: Rights and Wrongs* 348-52.

<sup>72</sup> Anderson, *Christianity and World Religions*, 84-86.

<sup>73</sup> Anderson, *Christianity and World Religions*, 86.

<sup>74</sup> On social gospel theology and evangelicalism's reaction against it, see Tidball, 'Some Contemporary Evangelicals and Social Thinking', (1973) 8 *Vox Evangelica* 60-80 at 61-62.

corruption). God has a message not only to individuals but [also to] society.<sup>75</sup>

Speaking at Sevenoaks' Annual Civic Service in 1972, Anderson cited Leviticus 19:1-4 and 9-18 as showing that God is concerned

- (a) with holiness (no idols – Godward side),
- (b) with family life (parents, children),
- (c) with philanthropy (the poor),
- (d) with race relations (sojourners),
- (e) with honesty (stealing, falsehood, etc.),
- (f) with social justice (wages, the underprivileged) (manward side),

and went on to say that in James 5:1-8 we find the same list but in the opposite order. James' epistle contains a blistering denunciation of social injustice but also reminds us that perfect justice will not be found on earth until the Second Advent.<sup>76</sup>

Anderson argued that it is incumbent on Christians to be concerned about and involved in social and economic justice, race relations, moral standards, politics, etc., but not as ends in themselves, as if they would or could save men's souls and bring in the Kingdom.<sup>77</sup> Anderson was insistent that, however much working for social justice might be in line with God's will and *God's purposes as Creator*, successful action for social justice did not bring in God's kingdom.

Anderson explained his position as follows:

'To put the blame for the defects in our society on capitalism or any other political or economic system ... is far too simplistic, for inequalities and injustices abound under every form of government. The Christian ... should have no difficulty in locating the root trouble in man's fallen nature and inherent selfishness. And for this there is only one basic remedy: a radical conversion followed by a steady growth in spiritual grace and moral sensitivity. But that does not in any way absolve us from doing all we can, here and now, to promote social justice – or, indeed, from confessing how sadly we ourselves still fall short.'<sup>78</sup>

In a number of talks, Anderson did confidently assert that the Church is called 'to witness to social justice [and to] denounce gross injustice.'<sup>79</sup> Against the social

<sup>75</sup> Anderson, 'Untitled talk', unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 7 file xxiii; Anderson, *Into the World*, 101, 50.

<sup>76</sup> Anderson, 'Caesar & God?', unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 6 file 18.

<sup>77</sup> Anderson, 'Caesar & God?'; also *Into the World* 15.

<sup>78</sup> Anderson, *Issues of Life and Death*, 115.

<sup>79</sup> Anderson, 'Violence'. In *Into the World* at 21, Anderson speaks of work as worship. He does not there go on to express the natural corollary, that Christian action for social justice is also worship, but this seems to me to be implicit in the argument made throughout this book.

gospel and liberation theology, he maintained, however, that social justice is not part of the coming of the Kingdom but '[the] Will of the King is being done' when social justice is promoted.<sup>80</sup>

'[The Bible] teaches us first that God is Creator. He made this world in which we live, this world of men, and it is still His. He still loves it, cares for it. He cares enormously about social justice, fair play, moral standards, government, literature, science, art and every facet of life.

But man fell into sin and became alienated from God. And God saw that none of these things could save him, reconcile him, redeem him from sin. So God the Creator became God the Redeemer and came in Christ who lived to reveal Him, and died to redeem and reconcile, and will one day come again to intervene, judge and reign.'<sup>81</sup>

Anderson was therefore working with a two-fold division within the work of God, between Creation and Redemption<sup>82</sup> as opposed to the three-fold division of God at work as Creator, God at work as Sustainer, and God at work as Redeemer.

I wonder whether Anderson's two-fold division between Creation and Redemption is really the best way to conceptualise Christian action on behalf of social justice. Within the three-fold division of God's work as Creator, as Sustainer and as Redeemer, there is an express place for what might be called God's general providence, or what Moltmann talks about as God's work of both preserving and preparing.<sup>83</sup> Christian action on behalf of social justice, whilst still recognised as subordinate to the Holy Spirit's work in personal conversion, can therefore be understood as preparatory to and as an anticipation, albeit partial and fragmentary, of the kingdom of God and as a way in which some of God's intention for human community can be expressed on earth.

In such a way, it is possible to give full weight to Anderson's conviction that:

'God is Creator. He has made this world; He loves it. He still cares that men and women have enough to eat; decent houses to live in; worthy moral standards; noble literature and art; scientific research; everything.

But men and women are estranged from Him. They are lost – in a state of rebellion and none of these things I've mentioned are salvation. So God the

<sup>80</sup> Anderson, 'Untitled talk', unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 7 file xxiii. In *The Teaching of Jesus* at 148, Anderson says that 'it is impossible to speak of God's "kingly rule" in regard to individuals or communities who ignore or defy his lordship, however much their behaviour may, in some particulars, conform to his design for his world.'

<sup>81</sup> Anderson, 'Caesar and God?'; restated in substance in *A Lawyer among the Theologians* 220 and *Into the World* 109.

<sup>82</sup> Anderson, *Into the World*, 15

<sup>83</sup> Moltmann, *The Trinity and the Kingdom of God: The Doctrine of God* (London: SCM, 1981) 209; *God in Creation: An Ecological Doctrine of Creation* (London: SCM, 1985) 209; *The Way of Jesus Christ: Christology in Messianic Dimensions* (London: SCM, 1990) 291, 287.

Creator became God the Redeemer. ... Our job, as Christians, [is] to be His witnesses in *both* these capacities (as Creator and Redeemer).

We witness to Him as Creator when we, too, care about men and women – food, housing, politics, laws, art, morality, every part of human life. When we stand for what is right and work for social justice.

But we must also witness to Him as Redeemer. None of these things save. Individuals must come to Christ as Saviour and Lord through personal evangelism.

The better we witness to God as Creator, the more effective will be our witness to Him as Redeemer.’<sup>84</sup>

### Conclusions

Norman Anderson did not offer us a developed biblical theology of law which we can simply read off the page of his writings. He did not intend to do so. He did, however, provide a significant number of signposts, as well as some questions, in seeking to articulate such a theology. He gave a careful, Reformed, account of the relationship between the Mosaic law and the work of Christ and of the importance of the indwelling of the Holy Spirit in truly Christian morality. He stressed the compatibility of the two Great Commands with the moral law authoritatively revealed by Christ. He pointed out how all human beings can be expected to have had revealed to them by God some aspects of the moral law. He reminds us of the indispensable links between law and morality but also that the two are not identical. He argued that human law should be seen as a positive force, designed to protect and liberate in the service of the welfare of the community. Government is therefore given an important role to play in pursuing that welfare, and may be resisted when it no longer seeks to do so. Finally, Anderson opens the way to thinking of Christian action for social justice and law reform as acts of worship to our Creating and Sustaining God, all the while acknowledging that we are dependent on the death of His Son alone for full salvation and the coming of the Kingdom.

<sup>84</sup> Anderson, ‘Untitled talk’, unpublished manuscript, SOAS Special Collections Reading Room PP/MS/60/02 box 7 file xxiii; see also *Morality, Law and Grace*, 104