

Christian Legal Society

2024 National Conference

Breakout CLE Session

Supporting the Rule of Law without Deifying the State

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A. The Rule of Law as a Christian Artifact

a. Creation Norms

i. Imago Dei

ii. Hierarchy and Cosmology

1. Jesus in Court: John 19

2. Romans 1:18-32

3. Romans 13:1-7

iii. Mission: The Cultural Mandate

b. The Legal Lesson of the Exodus

c. The Rule of Law as a Tool of Justice

i. The Sin of Legal Partiality

1. Cf., Jim Crow

2. Cf., Plessy v. Ferguson

ii. Historical Examples:

1. Contra Speech Codes: Acts 5:17-29

2. Paul the Apostle (and Roman Citizen)

3. St. Ambrose

- B. The State: Savior or Servant
 - a. The Jurisdictional Question
 - b. What of the Natural Law?
 - c. Romans 13:1-7 Again

- C. The Role of Anthropology
 - a. Free Speech – A theological Necessity
 - b. Human Dignity and Equality
 - i. Cf., “blood and soil” formulae
 - c. What This Means for Good Governance

- D. US Constitutionalism as a Christian Echo
 - a. *The Federalist* Predicate: Nos. 6, 10, 15, 24, 37, 51,
 - b. Indicia of Influence:

- i. Separation of Powers
- ii. Ex post facto Laws proscribed
- iii. Due Process required
- iv. Privileges and Immunities; cf., 14th Amendment: privilege or immunities – cf., *Slaughterhouse Cases*
- v. Equal Protection
- vi. Bankruptcy Laws
- vii. Intellectual Property Laws
- viii. Witness Requirements for Treason

c. A Godless Constitution? Engaging Krammick and Moore

d. Religion Neither Established nor Ignored

E. Contemporary Religious and Anti-liberal Challenges to Constitutionalism

a. Catholic Integralism

b. Christian Nationalism

c. National Conservatism