



Biblical Prudence and the Senate Amnesty Bill

By James R. Edwards, Jr.

Religious elites have largely lined up behind S. 744, the Senate amnesty bill. The biblical justification they have made for the pro-amnesty position is tenuous. In order to provide stronger analysis of this legislation from a position of seeking biblical prudence, this *Backgrounder* assesses the bill from four distinct, biblically derived questions.

Below are listed the four biblical principles for addressing matters of prudential judgment in the public policy realm. The four questions deal with order, justice, government's appropriate duty, and the scope and approach of a proposal, as well as whether the path to adoption promotes consensus. These criteria are then applied to the amnesty issue and S. 744 in particular.

Four Critical Questions

Four questions should be asked about any public policy, including immigration proposals, in order to determine whether a policy proposal is consistent with biblical prudence.

- 1) Does the proposed policy advance order?
- 2) Does the proposed policy advance justice?
- 3) Is what the policy proposes a biblical duty of government?
- 4) Is the policy carefully crafted to achieve its goal in the least expansive way and advanced in a manner that promotes consensus?

Order

Promoting order is central to a policy's legitimacy. It is biblically vital because this principle is consistent with God's very nature. Genesis 1 and 2 illustrate God's ordering His creation. God affirms this character quality when He asked Job, "Can you bring forth the constellations in their seasons? Do you know the laws of the heavens?" Psalm 139 relates, "All the days ordained for me were written in your book before one of them came to be." And Daniel, indicating God's interest in public affairs, says God "changes times and seasons; He sets up kings and deposes them." It is hard to imagine a more orderly being for whom order (the underlying principle of "shalom") is characteristic than the Creator who has numbered the hairs on each person's head, which Jesus pointed out to His disciples as an indication of God's love and care.

The story line of history is the battle between order and rebellion against order. Because of the Fall, everyone is prone to rebel. As morally responsible beings, people's rebelling against order embraces lawlessness. Rebelling against order is evil and leads to more evil. Romans 1 says "They became filled with every kind of wickedness, evil, greed and depravity. ... they invent ways of doing evil." This frightening result comes from one's exchanging "the truth of God for a lie".

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America was founded as a sovereign nation-state on Judeo-Christian principles of ordered liberty for self-controlling citizens. Yet, the renowned Christian thinker Francis Schaeffer warned that the nation's "form-freedom balance" is in jeopardy if it indulges individualism unconstrained by God's moral order.

Illegal immigration is fundamentally rebellious individualism. Illegal immigration disrupts order in society. Amnesty exacerbates disorder. It gives wholesale "approv[al] of those who practice [the willful and wanton rejection of order]." Illegal immigration and amnesty put America's "form-freedom balance" at risk, because they reward those who break immigration laws and usually other laws, as well (e.g., tax fraud, identity theft).

Justice

From a biblical standpoint, the duty of civil government is justice for its citizens. God has entrusted to human agents and institutions the responsibility of protecting the innocent and vulnerable placed under their care. Genesis 3 recounts the Fall, the entry of sin and disorder into the world. God primarily uses human agency to restore order on earth. God's agents include parents, employers, and civil authorities. In their contexts, these authorities should protect those God has placed under their care against the consequences of sin and evil. For some of these agents, extending both justice and mercy are appropriate; however, for civil authorities, justice is its mission.

Regarding civil government, Romans 13 says, "The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted." This passage and similar Scriptures make it clear that the government of a nation is to be obeyed. For the Chinese or Mexican or Nigerian who wants to live in the United States, the individual's will is not the determining factor. The United States has full say in whether a foreign individual may reside here, on what terms, and for what time period.

Nation-states such as the United States differ from Old Testament Israel. Biola University professor J.P. Moreland states that Old Testament "Israel is not a good parallel to" the U.S. government.¹ Instead, he directs us to "the obligations the Old Testament places on pagan nations," such as in Amos 1 and 2, as the appropriate standard to apply. Here, the Lord speaks judgment against Israel's neighboring countries because their kings carried out policies that persecuted and oppressed citizens for whom they should have wielded the sword of justice to protect.

Moreland's point is that God charges civil government in these non-theocratic nations to protect negative rights — that is, punish murderers and protect against theft. Aside from ancient Israel specifically, civil government has no divine mandate to grant positive rights — redistributing wealth and setting up welfare states. Moreland says, "[T]he state is not to be in the business of showing compassion or providing positive rights for others. That is an individual moral responsibility. No, the state is the protector of negative rights."²

Mass amnesty is the granting of positive rights. Moreover, amnesty further oversteps government's bounds by giving these positive rights to those who are not its citizens. In S.744 and other iterations of amnesty, the U.S. government would be giving away the valuable privilege of immediate U.S. residence, a work permit, and access to American welfare and tax subsidies. Further, amnesty would artificially clog the domestic labor market with job competitors who directly harm the most vulnerable Americans. And amnesty disadvantages legal immigrants who abided by our laws. This is unjust, by any reasonable measure. It falls beyond the government's prerogative because it abuses justice, rather than advancing justice.

Government's Proper Duty

As seen above, God charges civil government with the mission of promoting justice by wielding the sword of justice. This fact makes clear that a biblical duty exists for government. For government to exceed that duty is inappropriate. This fact leads to the principle that not everything God commands of individuals necessarily translates into appropriate public policy.³

Jesus distinguished between the realm and responsibilities of Caesar and of the covenant community. As we have seen, the God-given duties of the state differ from those God places on individuals, families, and the church. This must be borne in mind. Civil authorities have only the resources the public has entrusted to them. The state exceeds its legitimate authority to use the sword of justice to coerce "compassion". Moreland calls this "ethical utilitarianism", an "end justifies the means" mentality.

In God's economy, such governmental misconduct contradicts acts done freely, out of love. For civil government to exercise the mercy of the Golden Rule and the Sermon on the Mount, the result is injustice against its citizens. The very nature of mercy is willingly to incur injustice. When government attempts mercy like mass amnesty, what it really does is obligate its citizens to bear injustices committed against the body politic.

When it comes to compassion or mercy, the government should only exert them by preserving negative rights. Where illegal immigrants are concerned, that means protecting citizens against these aliens' lawlessness. Illegal aliens undercut American workers' wages, tilt the labor pool in favor of wealthy owners, steal Americans' identities and ruin individuals' finances and credit ratings, force American taxpayers to pay higher taxes to fund the aliens' congestion costs and welfare burden, and undermine the rule of law. "The least of these", properly understood in the government's case, are American citizens, not illegal aliens.

The indiscriminate mass legalization of 11 million illegal aliens would seem to be the opposite of compassion. Amnesty appears to be the coercion of the citizenry. This course shows utter contempt for American citizens and for the protection against lawbreakers they rightly expect from their government.

Limited Reach, Fair Process

Biblical prudence in public policy requires deliberately crafting solutions that go no further than the government's duty as assigned by God, discussed above. And policies should be advanced in a fair manner that promotes public support and lends legitimacy to the policy.

In a secular nation like the United States, not all sins should necessarily be against the law, and some laws arise from particular circumstances that need addressing. Good laws, Moreland suggests, are based on the self-evident natural law referenced in the Declaration of Independence. The book of Romans says these fundamental moral truths "have been clearly seen, being understood from what has been made" and "the requirements of the law are written on [people's] hearts."

The United States rightfully regulates immigration. This is a right of national sovereignty. America could not possibly accommodate every foreigner who would like to come live here. Open borders would disrupt our national equilibrium. It would overwhelm every aspect of our society. It would short-circuit the ability to exercise self-government or to exist as a people.

The Senate amnesty bill far exceeds anything approaching limited legislation, running counter to the ability of a self-governing republic to regulate immigration in any meaningful way. S.744 is deliberately crafted not to be restrained, prudent, and based on natural law, but to be unrestrained, far-reaching, and out of keeping with natural law. If you get more of what you subsidize and less of what you punish, this bill's results are clear. It subsidizes illegal immigration and fosters dependency, while making it difficult to enforce immigration laws. Nothing in the bill would forestall a repeat of mass lawbreaking in the future. The legislation lacks any meaningful enforcement, by design.

This bill treats every single illegal alien as if each had the same equities — all 11 million plus however many millions more defraud the lax legalization process. That is, the single young illegal alien who arrived within a couple of years, has no real ties to this nation, speaks little English, and lives a lie by having stolen an American's identity and ruined that American's credit record obtains the same generous amnesty benefits package as the illegal alien who has resided in the United States since 1985, has U.S. citizen children and grandchildren, has not returned to his or her home country in 15 years, speaks English fluently, and has not stolen an American's identity.

Further, the Senate amnesty proponents have blocked a fair, honest, open process. The dice are loaded. The Gang of Eight agreed in advance to stick together and beat back any substantive amendment. Thus, the process through which S.744 is moving is a sham, resulting in a hollow debate. It gives a semblance of fair process, with a good number of amendments offered in committee, but in reality is carefully manipulated to force through a precooked bill to yield a predetermined outcome. This procedure feeds public cynicism.

Conclusion

Christians are called to be wise as serpents, yet innocent as doves.⁴ That principle applies in matters of public policy. Many issues that concern secular governments lack clear biblical directives for policy solutions to address them. Therefore, carefully applying biblical principles in prudential ways requires special care. Christians may arrive at different positions on issues to which Scripture leaves it to prudential judgment. But the degree of moral certitude expressed on a particular policy solution should be a function of 1) biblical clarity on that specific course, and 2) the number of hours, days, months, and years someone has invested into pouring over Scripture and on his or her knees praying for wisdom, discernment, and instruction on that specific policy issue.

S.744, the amnesty bill, falls short of biblically prudent public policy. First, this legislation does not promote order; rather, it fosters disorder by rewarding foreign lawbreakers with the object of their lawbreaking: permanent U.S. residency and employment authorization plus eventual access to the full benefits of the modern American welfare state. Second, it does not advance justice; rather, it imposes state-sponsored injustice upon its own people.

Third, the legislation exceeds biblical limits on prudent, appropriate public policy by awarding positive rights. Not only does it award positive rights, it does so for those whose political allegiance belongs to another national government and at the expense of this nation's citizens. Fourth, S.744 goes far beyond addressing the essential policy challenge of dealing with a significant population of illegal foreigners adversely possessing parts of the sovereign United States. It is promiscuous legislation, excessive, gratuitous, offensive.

The Senate bill not only is far-reaching in scope and application, it is being advanced through a cynical process manipulated to stifle real debate. If S.744 were decent legislation, its authors would not feel compelled to rig the process to force their bill upon the country. The process being employed for this bill fosters cynicism and delegitimizes the legislation.

Therefore, this Christian public policy expert concludes that S.744 lacks a basis for biblical justification. It even lacks pure prudential justification. One could make utilitarian arguments, modernist or postmodernist arguments, or globalist arguments for S.744 and its ilk. But to try to shoehorn this legislation into a biblical frame cannot legitimately or logically be achieved.

End Notes

¹ J.P. Moreland, [“A Biblical Case for Limited Government”](#), Institute for Faith, Work & Economics, 2013.

² Moreland, p. 7.

³ For further background, see James R. Edwards, Jr., [“A Biblical Perspective on Immigration Policy”](#), Center for Immigration Studies *Background*, September 2009.

⁴ Matthew 10:16.