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Kirbee Van De Berg
Dordt College

Sacha Walicord
Dordt College, sacha.walicord@dordt.edu

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When Legal Entities Collide: the Utility of God’s Law in Business Today

Abstract

As inhabitants of a sinful world, humans cannot deny the fallibility of government and its authorities, including those who craft our nation’s laws. Since things such as selfishness, deceit, and the like are pervasive within society—all contrary to God’s desire for humanity—they undoubtedly affect the greater body of law. However, Paul’s words in Romans 13 are clear, commanding Christians to submit to their governing authorities. Inherent within this command is respect and obedience in regard to the laws of such powers. What, then, are Christians supposed to do when faced with conflict between the laws of their leaders and those of God? Scripture makes it clear that in situations of contention between human and divine laws, God’s Word supersedes all, as Christians’ allegiance is first and foremost to the Lord and His desires for Creation. Further, *natural law* cannot replace Biblical law or even serve as an *intermediary* between God’s law and man’s law. Therefore, when it comes to the law, including business-relevant legal areas such as minimum wage and taxation, the Bible is and will always be relevant within modern society.

“Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also as a matter of conscience.”

Romans 13:1-3, 5

Introduction

Most Christians are familiar with the words printed above, authored by Paul the Apostle, in Romans 13. They are commonly used, and rightfully so, to solidify Christians’ responsibility to submit to and respect governmental authorities, acknowledging that such positions, as well as their associated powers, have been established by the Lord. These verses command believers not only to comply with civil duties such as the payment of taxes but to subject themselves to the rules and laws of those reigning over them.

Though not always easy in terms of execution, prioritizing compliance with governmental statutes seems to be a fairly straightforward, self-explanatory task. This may be the case when thinking of speed limits, most criminal offenses, and drinking-age requirements, all of which seem reasonably intentioned and pursuant of the common good—depending on whom you ask, anyway. Nevertheless, compliance with such laws seems neither harmful nor threatening, regardless of utility, prompting little question as to whether Christian obedience is required.

Dordt College student Kirbee Van De Berg, mentored by Dordt Professor of Business and Business Law, Dr. Sacha Walicord, completed this article in the fall of 2018.

However, what about laws that are in clear contention with the Lord's commands? Must Christians obey them as well? When is civil disobedience justified? As inhabitants of a sinful world, humans cannot deny the fallibility of government and political authorities, including those who craft our nation's laws. Because things such as selfishness, deceit, and the like are pervasive within society—all contrary to God's desires for humanity—they undoubtedly affect the greater body of law.

Such sinful effects pose great problems when we consider Paul's words in Romans 13, as well as Peter's words in 2 Peter 2:13ff. Christians are commanded to submit to governmental authority; this is clear. Inherent within this is a duty to be respectful of and, more often than not, compliant with the laws and policies of those in power. That said, Paul's words do not command obedience when man-made laws and statutes conflict with the Scriptures. As Christians, our allegiances lie, first and foremost, to the Lord: as Peter and the other apostles replied to the high-priestly court in Acts 5, "We ought to obey God rather than men."

Therefore, when conflict arises between God's laws and those of humans—even, for the purposes of this paper, in business-relevant capacities—obedience to God always takes precedence. It is in this way that the role of God's Word in our legal system is further solidified. Even in a society increasingly devoid of Biblical faith, God's law stands resolute, always leading to the best outcomes, morally and economically. Truth will not be determined by its number of adherents but by the authority of its author.

What is "Law"?

According to Geoffrey Robertson, law is "a system of rules that are created and enforced through social or governmental institutions to regulate behavior."¹ Through law, adherence to the will of the state is both managed and ensured, often through the imposition of penalties. Beyond social control and punishment, law is also used as a means of deterrence through individual and general prevention, as well as instrumental in resolving conflicts and promoting social change.² Note that none of

the aforementioned purposes of the law are in conflict with the teachings of the Bible so long as the will of the state is in accordance with the will of God, as is revealed in His Word.

In America, elected officials in both the House of Representatives and Senate serve as lawmakers tasked with drafting, voting on, and ultimately affirming pieces of legislation through a long and supposedly balanced process.³ The President, who is, of course, another elected official, plays a role in approving or vetoing bills within this same process. Laws enacted by the legislative branch are then carried out through the activities of the executive branch and interpreted by the judiciary.

The body of law in the U.S. covers virtually every area of life, from human rights law and criminal procedure to commercial, tax, and environmental law. Laws are formed and exist within both federal and state jurisdictions, with federal law taking precedence. Because it is so expansive, the number of laws in the American legal system is unknown, though it continues to grow at an impressive rate. To better illustrate this point, let it be known that there are roughly 20,000 laws governing the use and ownership of guns in America alone.⁴

While the terms "law" and "legal system" would likely evoke similar reactions from most Americans, prompting descriptions close to the one detailed above, broader definitions of law exist. The American legal system consists of man-made laws, or *lex humana*. Though quite self-explanatory, man-made law is, of course, that which is drafted and enacted by man, usually reflecting the social values and principles of the composing entity.

Man-made laws stand in great contrast to those revealed by the Lord. Were we to believe only in man-made laws, which are completely detached from God's Word, we would fall prey to the tyranny of legal positivism and, in doing so, assert that the validity of any law depends solely on the power of its framers. In other words, legal positivism holds that laws are not to be challenged on the basis of any ethical standard but are considered ethical because they are laws. Without ethical accountability, this circular rea-

soning is the perfect recipe for de facto tyranny. It was because of legal positivism that courts in Germany and Austria had no problem applying Nazi laws immediately after the takeovers of their respective governments. Further, legal positivism was strongly promoted in the U.S. by former Supreme Court Chief Justice Oliver Wendell Holmes, Jr., who expressed his support of the concept as follows:

The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have a good deal more to do with the syllogism in determining the rules by which men should be governed.... The substance of the law at any given time pretty nearly corresponds, so far as it goes, with what is then understood to be convenient; but its form and machinery, and the degree to which it is able to work out desired results, depend very much on its past.⁵

Truth will not be determined by its number of adherents but by the authority of its author.

Having recognized legal positivism as a clear road to tyranny, many legal thinkers went on a quest to find a “higher law” that would prevent them from statism. Some have sought refuge in the doctrine of natural law, as was explored by Thomas Aquinas. Aquinas viewed natural law as consisting of “humans’ participation in the eternal law.”⁶ According to John Eidsmoe,⁷ it serves as God’s general revelation to humanity of both physical and moral laws, interpreted using human reason and conscience. Stated differently, natural law refers to the use of reason to analyze human nature, ultimately deducing God’s binding rules of moral behavior from Creation.⁸

According to Aquinas, natural law makes clear the inherent depravity of some actions (e.g., crimes against humanity), while refusing to attribute this determination to human consensus or, when reflected in law, legislative agreement.⁹ Aquinas also asserts the precedence of natural law over human law, making clear that any conflict between the two stems from the failing of man-made law to “oblige in the court of conscience”; as such,

Aquinas found that natural law should be used to pass judgment on the moral worth of man-made laws and to determine their meaning.¹⁰

That said, questions regarding the existence, origins, and interpretation of natural law abound. Even Aquinas asserts that, while individuals intuitively acknowledge the depravity of certain behaviors, human reason alone is incapable of fully understanding the eternal law.¹¹ In response to this, proponents of natural law assert that Christian legal theory must take into account both natural, reason-based law and God’s special revelation of His moral order and divine law, the Bible. They hold that, while natural law gives humans a general concept of right and wrong, the Bible clarifies that framework, telling Christians what God considers moral and lawful.¹²

Through such assertions, these supporters have brought up a valid point. Though clouded by the noetic effects of sin, there is indeed a common standard for right and wrong guiding humanity. However, it is not a nebulous, source-less body of “natural law” that governs the universe, pushing biblical commands to the side. Instead, it is the Law of God “written in the heart[s]” of men (Romans 2:15).

Unfortunately, the Bible makes clear that fallen humans seek to suppress the truth of God in unrighteousness (Romans 1:18); that ways that seem right to them are often the ways of death (Proverbs 16:25); that the human “heart is deceitful above all things, and desperately wicked” (Jeremiah 17:9; Genesis 6:5); and that the human mind and conscience are defiled (Titus 1:15). Clearly, laws originating from the minds of human beings will always be fundamentally flawed, while only “the law of the LORD is perfect” (Psalm 19:7).

Given God’s role as the ultimate lawgiver, it is clear that humans are subject to laws extending far beyond those currently passed by man. This law of God is not reliably discoverable by reason and, since the fall, is made known only through God’s revelation.

Historical Sources of Law

According to Bahnsen,¹³ the state in ancient Greece and Rome was considered to be the ultimate ethical and, thereby, legal, authority. Citizens viewed Caesar as lord, particularly where questions of ethics were concerned. It was from within this environment that the early Church arose, proclaiming the Lordship of Jesus Christ and assigning him “all authority in heaven and on earth” (Matthew 28:18). Consequently, Christians today hold this same view, asserting that God’s law is the “supreme standard of right and wrong.”¹⁴

Continuing, the medieval church came to foster two sources of ethics and, by proxy, law. These ethical yardsticks included a standard for religious ethics found in the Bible and a standard for natural ethics—the natural law, as described above—found in human reason as humans examine the world.¹⁵ Since this dual standard allowed for ethical decisions independent of the Word of God, those laws that were still considered to be within the Bible’s jurisdiction were decided by the Pope. This situation left the door open for tyranny, both inside and outside of the Church.¹⁶ Further, the Thomistic view of the Middle Ages considered man-made law to be the lowest form of law, possessing authority only so far as it expressed and agreed with natural, divine, and eternal laws.¹⁷

The Reformers then came to reassert the full authority of God’s word, declaring both *sola Scriptura* and *tota Scriptura*—only Scripture and all of Scripture, respectively.¹⁸ In their eyes, standards for ethics, social morality, faith, and life in general were to be found in the Bible. This standard prompted the Puritans’ wholehearted focus on Scripture, which went on to greatly impact their lives in America.¹⁹

Nevertheless, the Enlightenment prompted a significant shift in public perceptions of man-made and divine law. Instead of viewing the Bible as the ultimate source of ethical guidance, society began to favor human laws fostered by independent reason and experience.²⁰ A neutral or critical attitude toward Scripture undermined its previous authority; and autonomy, or “self-love,” became increasingly emphasized. Ethical

guidance was to be found in humanity, or their community, whether in the conscience, reason, or Absolute state.²¹

As such, modern ethics is now characterized by an aversion to taking moral direction from the Scriptures, according to Bahnsen.²² Doing so is viewed as outdated, ignorant, and impractical. Many dislike the uncomfortable, “unreasonable” requirements of God’s law in regard to human conduct, so they reject and ridicule them. Human desires and lust for unregulated freedom now run the show, with subjectivity determining what is right and wrong.²³ Given this disdain for God’s law, people today view man-made law as the only legitimate regulatory body.

Human-Made Law: An Assessment

As was made clear above, man-made law, as well as associated concepts such as reason and autonomy, dominate modern ethics. Though human-made law is not without its functions, there are certain risks and considerations that must be acknowledged when we rely solely on human-made law. While human-made law’s promotion of social order, addressing of relevant societal issues, and designation of infrastructure are certainly necessary for maintaining a functional society, such concerns make clear the need for a universal, divinely-revealed ethical *yardstick* like the Scripture, affirming its precedence and need for implementation within the current American legal system.

For example, human-made laws are created by those in power and are often utilized to promote the interests of such individuals and their supporters. Laws designed to keep certain groups in power typically prompt discrimination and create disadvantage for others and, as such, do not always promote the general wellbeing of society. The same cannot be said for divine law.

Related to this, human-made laws are created by sinful beings and are thereby affected by faulty reasoning, limited understanding, and an anti-biblical bias. While the human mind is a wonderful, God-given entity, it is now fallible and subject to the distortions of sin, particularly in regard to self-interest and deceit. Even if completely unintentional, implicit bias, environmen-

tal influences, and outside opinions have a large effect on human actions, bringing into question the validity of legislative decisions. Further, humans are incapable of possessing complete knowledge of Creation and the future and, however well-intentioned they may be, cannot possibly provide for all aspects of society. On the other hand, God is the all-seeing, all-knowing Creator of the Universe. He knows what is best for Creation and has devised an ultimate plan to carry it out.

Finally, human-made laws are constantly changing. In America, such change is often the result of shifts in partisan power. Though change can be a positive thing—especially in pursuit of increasingly biblically based legislation—this fluctuation does not provide a firm foundation on which morality should be grounded. If given behaviors are illegal one day and permitted the next, confusion and assumptions regarding the relativity of morality are bound to follow. Conversely, the Word of the Lord is constant and unchanging. God’s law stands firm regardless of who is in power at the time, sending a clear, unambiguous message to believers in terms of right and wrong.

To illustrate the regulation-heavy nature of the American legal system, an analysis of *mala in se* and *mala prohibita* laws has been provided below.

An Example: *Mala in Se* v. *Mala Prohibita* Laws

One can approach classifying crimes in a variety of ways—by categorization as a felony or misdemeanor, moral turpitude, etc. While the first is fairly self-explanatory, moral turpitude centers on the morality of a given action, both inherently and as assigned by society. When this form of categorization is utilized, laws (and the crimes they prescribe) are classified as either *mala in se* or *mala prohibita*.

The first, *mala in se*, designates crimes that are *inherently evil*, regardless of whether or not they

are prohibited by law. Considered *wrong in [themselves]*, such crimes are viewed with contempt in an immediate, gut-reaction sense, and most humans would agree that they should be punished. Clear examples of *mala in se* crimes include murder, rape, robbery, burglary, larceny, and arson. Dangerous actions that are obviously harmful to society, as well as those involving robbing others of their possessions and various rights, are, more often than not, categorized as *mala in se*.

On the other hand, *mala prohibita* laws designate crimes that are considered wrong solely because they have been prohibited by law. Regardless of their inherent depravity, society (or, rather, the government) has deemed such crimes as unacceptable and has enacted legislation to prevent and/or deter their commission. Examples of

mala prohibita laws include tax evasion, carrying a concealed weapon, leaving the scene of an accident, and public intoxication. These crimes are not bad in and of themselves; however, for whatever reason (and often good ones), the government has decided to make such behavior illegal.

Clearly, the difference between *mala in se* and *mala prohibita* crimes/laws lies in their moral quality. While *mala in se* crimes are regarded as inherently evil by definition, *mala prohibita* crimes are not. Instead, government has, for whatever reason, decided that such actions should be prohibited, likely in the name of social order or “the common good.” Further, *mala in se* crimes are recognizably harmful, while *mala prohibita* crimes are not, outside of their assigned legal context.

Though functioning to preserve social order in some cases, *mala prohibita* crimes often extend beyond Biblical law, penalizing individuals for activities that are wrong solely in the eyes of the civil government. This is not necessarily the case in all instances, such as statutes prohibiting tax evasion and public intoxication, statutes that are consistent with biblical principles. However, in situations where this is not the case, it seems that regulation and control of one’s citizens and

Clearly, laws originating from the minds of human beings will always be fundamentally flawed, while only “the law of the LORD is perfect” (Psalm 19:7).

markets is an underlying, yet primary, motivation. While such statutes may not be explicitly biased or poorly intentioned, *mala prohibita* laws provide clear examples of legal opportunities through which human motivations and sinful distortions can come to overregulate, distort, and affect the greater body of man-made law.

Business-Relevant Conflict Between Divine and Human Law

Given the limitations and potential risks of employing human law, the existence of conflict between such statutes and God's Word comes as no surprise. In fact, clear contention exists between various aspects of current American law and the Scripture, particularly where business-relevant statutes and legal principles are concerned. Though these principles are well-known and fairly accepted by society—whether out of favor or resignation—they are at odds with the Lord's Word. The implications of minimum wage will be described briefly below, serving not only to illustrate the inadequacies of human-made law but also to stress the improvement and relief experienced if God's commands are followed in these areas.

In their broadest sense, minimum wage laws prohibit employers from hiring workers for less than a set wage, creating a "government-mandated price floor on labor services."²⁴ While statutory minimum wages were first introduced to the United States in 1938, current law relies primarily on the Fair Minimum Wage Act of 2007, which ultimately raised the federal minimum wage to \$7.25 an hour.²⁵ This serves as the minimum rate for which employees can offer their services, as well as the minimum rate paid by employers.²⁶ Though supposedly created with the intention to protect the poor and ensure that individuals receive a fair wage conducive to survival and the provision of necessities, the darker side of minimum wage law reveals a system that, if allowed to grow, could bring about large economic and ethical ramifications. According to Gary North,²⁷ minimum wage laws serve as another state intervention into the free market, prohibiting invested individuals from making arrangements that they perceive to be beneficial and reflective of the need at hand, as

well as ignoring the state of the market. Instead, politicians and those with limited insight into local employment opportunities determine binding guidelines for the exchange for labor services, preventing individuals from pursuing potential avenues of improvement when the "appropriate" wage is set below the national minimum, and criminalizing them when they do.²⁸

If Americans decide to increase the minimum wage, as many Americans wish to do, inflation, unemployment, economic deceleration, and reduced advancement/education as the result of dis-incentivization are foreseeable.²⁹ The creation of illegal markets providing sub-minimum wage labor is a clear result as well. Ethically, increased governmental involvement and discrimination against lower-skilled, inner city, and poor workers are likely outcomes of minimum wage legislation that must also be considered.³⁰

While Christians are called to be generous with their excess wealth, raising the minimum wage or sustaining current minimum wage law is not the answer. Doing so not only removes the opportunity for Christians to be generous by choice and hurts the poor, but it violates various commandments, namely those condemning cheating, coveting, and idolatrous behavior. Were minimum wage laws done away with, employers would be able to assess the true value of their employees, paying them accordingly. As a result, employees would be encouraged to bring added value to the workplace, truly earning their keep through increased experience, training, and education. Further, as the ramifications discussed above would no longer apply, the economic and ethical environment would improve substantially. It is clear that, when it comes to questions of minimum wage law, following God's Word is best.

Beyond minimum wage, several other areas of business-relevant law are both harmful and in conflict with the Lord's Word, particularly the Eighth Commandment. For example, while Christians are obligated to pay taxes (Romans 18), the government continually takes more than what God allows it to take, constituting theft and reducing economic growth.³¹ Similarly, the federal reserve system essentially prints money

out of thin air, diminishing the buying power of the money already held by consumers. This, once again, constitutes theft, as do tariffs, subsidies, and other legally backed economic constructs. As has been described at length above, both the economic and the ethical ramifications of such principles can be greatly reduced through increased employment of God's law and policies that comply with it.

Submitting to the Authorities: Romans 13 and Beyond

Having established the precedence and superiority of God's law as it applies to business-relevant legal principles, we find that a biblical analysis of Christians' command to submit to and respect governmental authority is vital in our determining appropriate action in the face of conflict. As was discussed above, Paul's words in Romans 13 are clear, holding that "everyone [is] subject to the governing authorities, for there is no authority except that which God has established." Peter stresses this point as well, commanding Christians to "submit [themselves] for the Lord's sake to every human authority: whether to the emperor, as the supreme authority, or to governors, who are sent by him to punish those who do wrong and to commend those who do right" (1 Peter 2:13). Given these commands, Christians are called to lives of civil submission—but what does that mean, *really*?

According to Cooper, submitting is "the action or fact of accepting or yielding to a superior force or to the will or authority of another person."³² Inherent within this submission is putting others before the self and, for Christians, placing God's desires ahead of one's own. This includes the submission of one's "way, wills, affections, thoughts, desires, and understanding to the Lord" out of love for Christ and gratitude for His work of salvation.³³ Christians must place themselves under the hand of God or—for the purposes of this discussion—the government, giving their lives to His authority and control.

That said, if left to do as they please, human beings will always be "lawless", making clear their need for a Savior able to transform them into "submissive citizens of heaven and earth."³⁴

Note, however, that submission is not the same thing as obedience. According to Brown, submission must be absolute, while obedience cannot be.³⁵ Though some authorities must be obeyed, others should not be, especially when they are advocating against Christian fundamentals such as believing in God and preaching the gospel. Obedience is thereby related to conduct, while submission is concerned with the attitude of one's heart. This means that while obedience

may be a form of submission at times, an inability to obey may also be submission, depending on the circumstances. If a delegated authority issues an order contradicting God's law, it is possible to "render submission but not obedi-

ence" to that authority; further, Brown asserts that "God alone receives unqualified obedience without measure."³⁶

Having adequately defined submission, we find that the appropriate Christian response to conflict between human-made and divine law is now increasingly clear. While the aforementioned passages make clear the need for Christian submission to *governmental* authority, Peter's words in Acts 5:29 reign true: "We must obey God rather than human beings!" Because Christians are called to obey God above all, there are and will continue to be times when civil disobedience is necessary, namely, when human commands directly violate those of the Lord.³⁷ Christians' supreme duty is to obey God. Submission to human law is often a part of this obedience. However, when conflict between the two arises, God's law supersedes. In such cases, submission to governing authorities—not obedience—is the appropriate response.

The Bible provides numerous examples of situations in which God's people defied the secular authorities appropriately. For example, Shadrach, Meshach, and Abednego refused to

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bow down to the golden image created by King Nebuchadnezzar (Daniel 3). They disobeyed the king's order, yet they submitted to his fire, ultimately accepting their punishment. Further, in disregard of royal decree, Daniel prayed to God and eventually submitted to the king's judgment by being thrown into the lion's den (Daniel 6). In both cases, biblical characters were forced to disobey the governing authorities but did not cease their submission, still acting out of respect.

It should be noted that the Scripture speaks clearly of disobeying only those governmental commands that directly contradict God's laws or cause individuals to sin. Simple disagreement is not grounds for disobedience. In cases where superior authorities make immoral or unjust laws that simply cannot be reconciled, the Doctrine of the Lesser Magistrate holds that lower civil authorities, such as the Church, family, or self, have "both a right and duty to refuse obedience" and, if necessary, actively resist.³⁸ The authority that an individual maintains in each of these realms is given directly by God. As such, a duty to govern in alignment with His Law exists, especially when superior entities do not.³⁹ That said, the words of 1 Peter 2:13 make clear that government is divinely ordained, existing only by the will of God. Governmental authority comes from God (John 19:10-11) and achieves God's purposes even when failing to carry out its tasks. Peter instructs Christians to submit to such authorities, not because they are always right, fair, or deserving of it but, instead, for the Lord's sake, out of obedience to Him and for His glory. However, when direct conflict arises, Christians must obey God rather than man, remembering the words of the first commandment, as well as those of Isaiah 33:22: "The Lord is our judge, the Lord is our lawgiver, the Lord is our king."

So, Now What?

Given the above analysis, it is clear that God's law is not only superior to that of humans, but

also takes precedence, especially where conflict between the two exists. In such situations, Christians have a responsibility to pursue correction, understanding that economic, social, and moral well-being will improve substantially if such laws are compliant with the Word of the Lord. While it is tempting to proclaim that an immediate overhaul of the American legal system must be conducted and leave it at that, such a crusade is neither feasible nor respectful. Instead, Christians must seek reform from the inside-out, garnering spots in the legislature and pursuing proactive, biblically-based legislation from there. Supplementary to this approach is the need for Christians to remain discerning and critical of human-made policies, questioning and evaluating them with the Scripture

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while providing relevant feedback where necessary. Further, if the policies of the civil government reach a tyrannical or oppressive level, prayer-informed application of the Doctrine of the Lesser Magistrate may be necessary. It is through such efforts that redemption can be sought while Christians honor the biblical command to submit to and respect their governing authorities.

As has been argued in this article, we should assert both the supremacy and relevance of God's law in modern society, including business. The world today is a scarily inviting place, seeking to tempt and lead individuals to their destruction by encouraging them to turn away from God and His laws. Combatting these forces is not—and will never be—easy. Though many seek moral guidance from human laws, such policies are plagued with deceit and other forms of sin. All people are liars; therefore, all fruits of their reason incompatible with the Lord's Word are also lies. As Christians, we know that the Scripture is the only source of God-given truth, the only thing that does not lie. It is with this knowledge that biblical Scripture becomes the only authority truly qualified to serve as a compass for human conduct. To put it another, increasingly Kuyperian way, it is clear that biblical law both applies to

and is needed in all areas of life, providing guidance and instruction for its every “square inch.”

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