

Kirk's Principles on "Order"; Divine Order is "Stare Decisis": Settled Law; the Cosmic Believer Cannot Subordinate Himself to It because He Is Not Able unless He Rebounds, Rom 8:7

Kirk, Russell. *The Roots of American Order*. 1st ed. (La Salle, Ill.: Open Court, 1974), 5-7, 9, 111:

As individuals and as a civilization we people in the closing decades of the twentieth century grope for order.

Like many other concepts, perhaps the word "order" is best apprehended by looking at its opposite, "disorder." A disordered existence is a confused and miserable existence. If a society falls into general disorder, many of its members will cease to exist at all. And if the members of a society are disordered in spirit, the outward order of the commonwealth cannot endure.

We couple the words "law and order"; and indeed they are related, yet they are not identical. Laws arise out of a social order; they are the general rules which make possible the tolerable functioning of an order. Nevertheless an order is bigger than its laws, and many aspects of any social order are determined by beliefs and customs, rather than being governed by positive laws.

The word "order" means a systematic and harmonious arrangement—whether in one's own character or in the commonwealth. Also "order" signifies the performance of certain duties and the enjoyment of certain rights in a community: thus we use the phrase "the civil social order."

Old and intricate, the roots give life to us all. We can distinguish two sorts of roots, intertwined: the roots of the moral order, or order in the soul; and roots of the civil social order, of order in the republic. (p. 5)

Seeking for the roots of order, we are led to four cities: Jerusalem, Athens, Rome, and London. The order which Americans experience is derived from the experience of those four old cities. If our souls are disordered we fall into abnormality, unable to control our impulses. If our commonwealth is disordered, we fall into anarchy, every man's hand against every other man's.

Order is the first need of the soul. It is not possible to love what one ought to love, unless we recognize some principles of order by which to govern ourselves.

Order is the first need of the commonwealth. It is not possible for us to live in peace with one another, unless we recognize some principle of order by which to do justice.

The good society is marked by a high degree of order, justice, and freedom. Among these, order has primacy: for justice cannot be enforced until a tolerable civil social order is attained, nor can freedom be anything better than violence until order gives us laws. (p. 6)

Once I was told by a scholar born in Russia of how he had come to understand through terrible events that order necessarily precedes justice and freedom. He had been a [Menshevik](#) [a wing of the Social Democratic Party before the revolution that believed in gradual socialism by law], or moderate Socialist, at the time of the Russian Revolution. When the [Bolsheviks](#) [a wing of the Social Democratic party that advocated the violent overthrow of the government and led the Russian Revolution of 1917] seized power in St. Petersburg, he fled to Odessa, on the Black Sea, where he found a great city in anarchy. Bands of young men commandeered street-cars and clattered wildly through the heart of Odessa, firing with rifles at any pedestrian, as though they were hunting pigeons. At any moment, one's apartment might be invaded by a casual criminal or fanatic, murdering for the sake of a loaf of bread. In this anarchy, justice and freedom were only words. My friend said, "Then I learned that before we know justice and freedom, we must have order. Much though I hated the Communists, I saw then that even the grim order of Communism is better than no order at all. Many might survive under Communism; no one could survive in general disorder." (pp. 6-7)

In America, order and justice and freedom have developed together; but they can decay in parallel fashion. In every generation, some human beings bitterly defy the moral order and the social order. Although the hatred of order is suicidal, it must be reckoned with: ignore a fact, and that fact will be your master. Half a century ago, perceiving a widespread disintegration of private and public order, William Butler Yeats wrote of what had become the torment of much of the modern world ["The Second Coming," lines 3-8]:

Things fall apart: the centre [Pivot] cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.

During the past half-century, the center has failed to hold in many nations. Yet once revolution or war has demolished an established order, a people find it imperative to search for principles of order afresh, that they may survive. Once they have undone an old order, revolutionaries proceed to decree a new order—often an order harsher than the order which they had overthrown. (p. 7)

Those who ignore history, says George Santayana \sän-tä-yä'-nä\, are condemned to repeat it. Those who neglect the roots of order, one may add, are compelled to water those roots desperately—after wandering in the parched wasteland of disorder.

Upon our knowledge of those roots may depend what sort of order America and the world will have by the end of this century. It may be the order of Aldous Huxley's *Brave New World*, rich and dehumanized; it may be the garrison-state controlled by ferocious ideology, as in George Orwell's *Nineteen-Eighty-Four*; or it may be an order renewed and improved, yet recognizably linked with the order that arose in Jerusalem, Athens, Rome, and London.

The higher kind of order, sheltering freedom and justice, declares the dignity of man. It affirms what G. K. Chesterton called the "democracy of the dead"—that is, it recognizes the judgments of men and women who have preceded us in time, as well as the opinions of people living at this moment. This higher kind of order is founded upon the practical experience of human beings over many centuries, and upon the judgments of men of vision and intellect who have preceded us in time. (p. 9)

The supreme law comes from God, Cicero wrote in his *Laws*. It originated before "any written law existed or any state had been established." The crowd defines law as written decrees, commanding or prohibiting; but the crowd errs. Learned men know that "Law is the highest reason, implanted in Nature, which commands what ought to be done and forbids the opposite. This reason, when firmly fixed and fully developed in the human mind, is Law. And so they believe that Law is intelligence, whose natural function it is to command right conduct and forbid wrongdoing. ... the origin of Justice is to be found in Law; for Law is a natural force; it is the mind and reason of the intelligent man, the standards by which Justice and Injustice are measured. (p. 111)

[Russell Kirk's *The Roots of American Order* is available in paperback. See: <http://www.isi.org/books/bookdetail.aspx?id=f4ebf235-4432-4615-8394-ddd016eb7025>]

- 24) The concept of the Law then has to do with an established set of standards which express the characteristics of divine essence, especially the righteousness, immutability and veracity of God.
- 25) This divine order is expressed to us in the principles, mandates, and doctrines recorded in the Bible and to which we are to orient and adjust through willing subordination.

- 26) American jurisprudence utilizes a Latin term to refer to established law: *stare decisis*: literally, “to stand by that which was decided.” By application, common law courts are reluctant to interfere with principles announced in former decisions and therefore rely upon judicial precedent as a compelling guide to decision of cases.
- 27) The believer must regard the standards of biblical revelation to be *stare decisis*: divine precedent decreed in eternity past as divine policy and immune to human alteration, disregard, neglect, repeal, or violation.
- 28) These standards—*nomous*—are acquired in the soul of the believer through the instruction of the Holy Spirit and therefore they take on the concept that is contained in its Hebrew equivalent: תּוֹרָה *torah*: teaching.
- 29) Regarding the use of *nomos* in the Septuagint to translate *torah*, this comment is helpful from:

Balz, Horst and Gerhard Schneider (eds.). *Exegetical Dictionary of the New Testament*. (Grand Rapids: William B. Eerdmans Publishing Co., 1981), 2:473:

Nomos does not signify ‘Law’ in the legal and juridical sense of classical Greek, but rather ‘Instruction, Teaching, Doctrine,’ in accordance with the original sense of the corresponding Hebrew term *tora*.

- 30) What we establish from this analysis is that the standards of the Word of God, when followed, produce the order that He intends the believer to support.
- 31) The believer in Jesus Christ that is out of fellowship, in carnal status, or reversionism, does not place himself under the authority of divine policy because he is not able to do so.
- 32) The verse’s final phrase is the particle οὐδέ, *èoude*, plus the conjunction γάρ, *gar*, and the present middle indicative of the verb δύνάμει, *dunamai*: “neither indeed does it have the power.”

present: Perfective: denotes the continuation of existing results; a fact which has come to be in the past, but is emphasized as a present reality.

The person who rejects the policy of God is not subordinate to it because he doesn’t have the requisite power to do so, i.e., the filling of the Holy Spirit and a depleted inventory of doctrinal standards that must be refacilitated when and if restoration to fellowship is ever achieved. Therefore, rejection of rebound means rejection of both divine policy and divine power.

The progressive present stresses the continuation of these results through present time.

passive: Deponent: active in meaning, i.e., the mind-set of the carnal or reversionistic believer produces the action of not being subordinate to the policy of God because he doesn't have the power to do so.

The only doctrinal principle that a believer out of fellowship can apply is **ὁμολογέω**, **homologeō**: confession alone to God alone.

indicative: Declarative for a statement of fact.

- 33) Several principles emerge from this exegesis
- 1) It is impossible for the believer out of fellowship to improve any aspect of his spiritual life because he does not have the *power* to do so.
 - 2) The power to change one's spiritual life for the better is through the filling of the Holy Spirit and inculcation of divine policy.
 - 3) The only way for the transformation to have its desired impact is for the restored believer to subordinate himself under the authority of this divine policy, i.e., execute the mandate found in:

James 1:22 - Keep on becoming [present middle imperative of: **γίνομαι, ginomai**: a work in progress] **doers of the Word** [ποιητής, **poiētēs**: refers to the execution of divine policy resident in the **kardia**], and not merely **hearers** [ἀκροατής, **akroatēs**: listening to the teachings of the Bible but rejection of them] **who delude** [παραλογίζομαι, **paralogizomai**: to delude, deceive, and defraud oneself; to reason falsely or incorrectly] **themselves**.

- 4) None of these things are possible except through rebound: confession alone to God alone!

Romans 8:7 - because the mind-set motivated by the sinful nature is hostile toward God for it [the carnal mind-set] **is not subordinate** [οὐκ, **ouk** plus the present passive indicative of the verb **ὑποτάσσω, hupotassō**] **to the policy** [τῷ νόμος, **tōi nomos**] of God because it is **not able** [δύναμαι, **dunamai**].

- 34) There are several key words in this verse, but the most important one with regard to the carnal believer's effectual recovery from life lived in the cosmic systems is *hupotassō*.
- 35) Rebound is a problem-solving device whereby the carnal believer confesses his sins in order to be restored to fellowship with a view toward resuming his spiritual advance.
- 36) The purpose of fellowship is so that the believer may use his divine operating assets in order to learn doctrine so he may more effectively and efficiently serve God.
- 37) But no believer, regardless of his level of spiritual growth, can serve God if he is not subordinate to His divine policies.
- 38) Therefore, the importance of the word *hupotassō* becomes a key consideration in our study of rebound.