

THEOLOGICAL STUDIES

THE PRINCIPLE OF IMPARTIALITY AS A LIMIT FOR CIVIL GOVERNMENT

VERN S. POYTHRESS

What are the limits of government authority? Many people would agree intuitively that the theory of unlimited authority in civil government leads to tyranny. Abraham Kuyper was particularly alert to the problem, and addressed it with his theory of “sphere sovereignty.” But establishing just how the authority of government is bounded is not easy.

Human conscience and human philosophy claim to offer guidance. But the final authority for morality has to be the Bible. The major NT passages—Matt 22:21; Mark 12:17; Luke 20:25; Rom 13:1–7; and 1 Pet 2:13–14—are not specific. The OT introduces the important idea of impartiality in governance. That, it turns out, is an important clue, because government is tempted to address many questions and many needs where impartiality is off-base.

Granted that impartiality is appropriate in deciding judicial cases, could the scope of civil government be broadened? Yes, but impartiality is still needed there. The principle of impartiality leads to a critique of the woke concept of “equity” and a form of Christian nationalism that advocates partiality toward Christians.

Several objections are addressed: we need a savior; the problems are too big; the will of the people authorizes it; it is justified because it is practical.

Does civil government have an unlimited authority over all aspects of society? Or is it limited to only some functions in society? If so, what are those limits? The principle of impartiality provides a significant contribution toward the question.

I. Importance of Limited Authority

Let us begin with a difficulty—tyranny. Thomas Hobbes’s theory of government postulates that human beings have ceded all authority to the state, in

Vern S. Poythress is Distinguished Professor of New Testament, Biblical Interpretation, and Systematic Theology at Westminster Theological Seminary.

return for its order and protection.¹ For Thomas Hobbes, the state is “leviathan.” The state has unlimited authority. But this view does not derive from the Bible. And many people from many points of view have dreaded the tyranny that can result.

Abraham Kuyper developed the idea of “sphere sovereignty” as an alternative.² He described the main view he was opposing as one that gives the state unlimited sovereignty:

They consequently assert that any Sovereignty, other than that of the State, is unthinkable; they therefore zealously promote the embodiment of the Sovereignty idea, in its purest sense, in the Supreme State; and accordingly they cannot grant to other life spheres a more generous freedom than that which is permitted or granted by the State.³

In his counterpoint, Kuyper observed that all authority in heaven and on earth belongs to one man, Jesus Christ, the resurrected Messiah. The Lord grants only limited authority to people and institutions now on earth. Among the prime institutions are family, state, and church. These belong to distinct “spheres,” each with its own limited sovereignty, given by God. Kuyper also mentioned as a distinct sphere “science,” by which he means academic disciplines or scholarship (Dutch *wetenschap*).⁴

According to Kuyper, the state has a unique role, among the spheres of life. It provides an order of justice for the interaction of various spheres of life:

But in that life [of human interaction] there is also the danger that one sphere may encroach upon the neighboring sphere; thus causing a wheel to jerk and to break cog upon cog, and interfering with the progress of the whole. Hence the reason for existence of a special sphere of authority in the Authority of the State, which must provide for these various spheres, insofar as they emerge into the visible realm, a felicitous interaction, and to keep them within the pale of justice.⁵

¹ Sharon A. Lloyd and Susanne Sreedhar, “Hobbes’s Moral and Political Philosophy,” *The Stanford Encyclopedia of Philosophy* (Fall 2022), ed. Edward N. Zalta and Uri Nodelman, §§7–8, <https://plato.stanford.edu/archives/fall2022/entries/hobbes-moral/>. Hobbes’s primary work in the field is *Leviathan, or the Matter, Forme, and Power of a Commonwealth, Ecclesiasticall and Civil* (1651); see Lloyd and Sreedhar, “Hobbes’s Moral and Political Philosophy,” §1.

² Abraham Kuyper, *Sphere Sovereignty* (n.l.: Monergism Books, 2024), also available at https://sources.neocalvinism.org/.full_pdfs/kuyper/SphereSovereignty_English.pdf. For a short introduction, see Hans Boersma, “Sphere Sovereignty,” <https://www.christianstudylibrary.org/article/sphere-sovereignty>. The term “sphere sovereignty” derives from Groen van Prinsterer (Kuyper, *Sphere Sovereignty*, p. 13, in the pagination of sources.neocalvinism.org download).

³ Kuyper, *Sphere Sovereignty*, 8.

⁴ Kuyper, *Sphere Sovereignty*, 17.

⁵ Kuyper, *Sphere Sovereignty*, 7.

II. *Boundaries of Spheres*

But just what are the boundaries of state authority, or of other authorities? In his key address concerning sphere sovereignty, Kuyper was painting a large-scale picture, as a visionary might. He did not descend into the details. The occasion for his address was “the inauguration of the Free University [of Amsterdam] on 20 October 1880 at Nieuwe Kerk in Amsterdam,”⁶ which was not suitable for a technical scholarly discussion.

So we confront the question, “How does one discern the limits?”⁷ It is not so easy. In his essay Kuyper himself relies on general principles and intuitions about the differences between spheres. And it is true that everyone does have some intuitions. People know that education and academic disciplines move with distinct purposes, goals, and methods, in comparison with civil government or with the family or with business. But who gets to say what are the boundaries of authority?

The question of the limits of authority is an ethical question. It is a question of *moral* right and wrong. Does a particular person, with a particular appointment, have the moral *right* to issue directives and interfere with some other person or institution in society?

III. *Conscience*

One possible place to seek an answer is in human conscience. God had granted to human beings consciences, which provide a sense of right and wrong (Rom 1:32). But consciences can be corrupted. First Timothy 4:2 speaks of some people “whose consciences are seared.” On a large scale, pagan thinking is corrupted:

Now this I say and testify in the Lord, that you must no longer walk as the Gentiles do, in *the futility of their minds*. They are *darkened in their understanding*, alienated from the life of God because of the ignorance that is in them, due to their hardness of heart. They have become callous and have given themselves up to sensuality, greedy to practice every kind of impurity. (Eph 4:17–19)

The result is that the judgments of conscience are not reliable. Human intuitions about authority are not reliable.

IV. *Christian Cosmomic Philosophy*

Another route for delineating boundaries is philosophy. Followers of Abraham Kuyper developed “cosmomic philosophy,” an attempt to formulate a specifically Christian approach to philosophy.⁸ Herman Dooyeweerd and

⁶ Kuyper, *Sphere Sovereignty*, 1.

⁷ See Vern S. Poythress, *Redeeming Sociology: A God-Centered Approach* (Wheaton, IL: Crossway, 2011), ch. 25.

⁸ L. Kalsbeek, *Contours of a Christian Philosophy: An Introduction to Herman Dooyeweerd's Thought*

others developed the theory of sphere sovereignty with rigor and specificity.⁹ Their adjustments made it more abstract. Instead of family, state, and church as distinct spheres, they delineate “modal spheres,” one of which is the “juridical sphere.” A number of these spheres correspond to distinct academic disciplines, each of which studies one sphere. Jurisprudence is the study of the juridical sphere. Sociology is the study of the social sphere.

The difficulty here is the obvious one, that reliable delineation of the spheres depends on the overall viability and solidity of cosmomic philosophy as a whole.

V. *The Bible as a Source*

Unlike conscience and philosophy, the Bible provides infallible instruction. What does it have to say? As observed, it says that among fallen human beings, conscience has some restraining value, but it is not reliable. Moreover, the Bible provides no evidence that the principles of conscience actually include legitimate moral demands *beyond* those given in the special revelation in the Bible. To the contrary, the Bible affirms the sufficiency of its moral principles: “Blessed are those whose way is blameless, who walk in the law of the LORD!” (Ps 119:1). Walking in the law of the Lord is all that one needs to be blameless. No supplement is necessary. Of course, no person has kept the law perfectly except Jesus Christ. But the point is a principal one. The Bible is sufficient to instruct us in moral duty. So it must also be sufficient to instruct people about duty when they are in positions of authority. The Bible provides whatever moral boundary limits there are to human authority.

Cosmomic philosophy has an inherent weakness at this point, because it is a *philosophy*. To be sure, its purpose is to be faithful to Christian principles. But it too needs to be tested by Scripture.¹⁰ Because it is infallible, the moral guidance of Scripture must have precedence.

VI. *Examining Biblical Principles*

So what does the Bible say about the authority of civil government in particular? The NT provides three main passages (not counting synoptic parallels). The first is the famous passage where Jesus talks about rendering to Caesar: “Therefore render to Caesar the things that are Caesar’s, and to God the things that are God’s” (Matt 22:21; with parallels in Mark 12:17 and Luke 20:25).

(Toronto: Wedge, 1975); Vern S. Poythress, *Redeeming Philosophy: A God-Centered Approach to the Big Questions* (Wheaton, IL: Crossway, 2013), appendix A.

⁹ See, for example, Herman Dooyeweerd, *A New Critique of Theoretical Thought*, 4 vols. (1955; repr., Lewiston, NY: Dewin Mellen, 1997); E. L. Hebden Taylor, *The Christian Philosophy of Law, Politics, and the State: A Study of the Political and Legal Thought of Herman Dooyeweerd of the Free University of Amsterdam, Holland and the Basis for Christian Action in the English-Speaking World* (Nutley, NJ: Craig, 1967).

¹⁰ Poythress, *Redeeming Philosophy*, appendix A.

Jesus affirms a distinction of sorts between two spheres, Caesar's and God's. But of course God owns everything, and his sphere of obligation fills the world. Because the opening question from the inquirers is about "taxes to Caesar" (Matt 22:17), one may at least infer that, yes, it is lawful to pay taxes. But that conclusion is pretty basic. Just what are the limits of what lawfully belongs to Caesar? Jesus does not fill in the details.

The other main passages are Rom 13:1–7 and 1 Pet 2:13–14. They are similar to each other in their thrust. Both passages focus on the responsibilities of believers toward governments, which at the time were controlled by pagans. The passages are not mainly giving directives to government officers, though what is said is surely relevant to them.

The two passages do indirectly provide some information about the responsibilities of the rulers. But what they give is very general. Both passages talk about punishment of wrongdoers. But which wrongdoers? And what kinds of punishments? The passages do not say. The Ten Commandments expound God's moral principles, and thereby show us what counts as a sin. But not everything that is a sin is a *crime*, such that the state should undertake to punish it. For example, according to the tenth commandment (Exod 20:17), coveting is a sin. But it is not a crime. The state does not punish people who covet—as long as the coveting does not lead to stealing, which is a crime.

Consider a second example. During the time when Israel was in the land, it was a sin not to leave gleanings (Lev 19:9–10), but not a crime. Even among the nation of Israel, which was a holy nation (Exod 19:6), the arm of the state did not enforce the entire Mosaic law by punishments. The state was limited in its function. *The Shadow of Christ in the Law of Moses* explores the Bible's teaching about punishments,¹¹ but it is a matter of some delicacy. Theologians and ethicists may disagree, especially about details.

On the positive side, Rom 13:3–4 has this to say:

Would you have no fear of the one who is in authority? Then do what is good, and you will receive his *approval*, for he is God's servant *for your good*.

The authority exists "for your good." But the word "for" connecting the two verses shows that "for your good" need not be taken as any broader than "approval." It is not a license to stick one's nose into everything (the "nanny state"). Similarly, 1 Pet 2:14 says, "praise those who are good." Both passages, when speaking of the positive side, focus on verbal commendation. If a legal dispute came into court, the magistrate should punish the one in the wrong and, by vindicating the one in the right, give approval. The verses do not clarify whether civil authorities have wider responsibilities.

¹¹ Vern S. Poythress, *The Shadow of Christ in the Law of Moses* (1991; repr., Phillipsburg, NJ: Presbyterian & Reformed, 1995), Part II.

In sum, Rom 13 and 1 Pet 2 are both valuable in giving guidance to the people who are *under* governmental authority. They are quite vague in giving guidance to rulers themselves, concerning the *limits* of state authority.

Elsewhere the NT provides some particular examples. The book of Revelation with its figure of the beast repudiates emperor worship. The apostles in Acts refuse to keep quiet about what God has told them to announce, even in the face of commands from the religious authorities (Acts 4:19–20; 5:29). The broad principle is that “we must obey God rather than men” (5:29)—that is, when the two authorities are at odds. But these examples do not suffice to tell us in more detail what kinds of affairs the state should positively take charge of.

The authority of the state includes the authority over human life, as shown by the reference to “the sword” (Rom 13:4). But when is the actual use of this power appropriate and lawful? The NT does not provide detailed instruction on the question.

Detailed instruction can be found in the system of punishments in the OT. The difficulty in that context is that Israel is a *holy* nation (Exod 19:5–6). It is so by a specific act of God himself. God established his special relation to Israel even at the time of Abraham (Gen 12:1–3). It is confirmed by the specific pronouncement of Exod 19:5–6 and by the solemn covenant ceremony directed by God himself in Exod 24. Some of the punishments (such as for idolatry, blasphemy, false prophecy, and sabbath breaking) may be appropriate because of holiness, not because Israel is organized as a nation in a manner analogous to other nations. The fulfillment of holiness is in Christ and his church (1 Cor 3:16–17; 5:7–8). We cannot here review the detailed arguments for this unique role of holiness.¹²

¹² Poythress, *Shadow of Christ*, ch. 10. Joel McDurmon, *A Consuming Fire: The Holy of Holies in Biblical Law* (Dallas, GA: Devoted Books, 2019). Many forms of theonomy take contrary positions. One of the disturbing challenges about the contrary positions arises from Deut 13, one of the key passages under dispute. Several times Deut 13 stresses the crucial role that purging false religion plays in keeping Israel faithful—v. 5, 11, and especially 17–18. Verse 17 says, “that the LORD may turn from the fierceness of his anger.” It is crucial for its future that Israel “get this right.” And the subsequent history, leading to the exile, shows what happened when Israel did *not* get it right, but fell into idolatry. If Deut 13 now applies to civil magistrates, and not just to excommunication in the church, it becomes crucial to the welfare of any people, worldwide, and its civil government, to get these punishments right. But in fact there are ongoing debates even among theonomists. The weight in the debate falls on difficult issues of interpretation, rather than on clear and core teaching in the NT concerning Christ, the gospel, and church discipline as a negative side of implications of the gospel (1 Cor 5:7–8).

The need to get things just right with the civil magistrate inevitably leads in practice to skewing Christianity in a politicized direction. The whole project is suspicious, because in the Bible what is important is also said clearly. And in the matter of the civil magistrate, what was perfectly clear to Israel in Deut 13 is not clear to us, because of the transition in redemptive history with the work of Christ and the unique position of the church as holy. What is clear in the NT is that the kingdom of God that is even now coming comes through the Great Commission, not primarily through the civil magistrate and his alleged obligation to wage holy war against false religion. The danger remains even with an article like this one that it could be used to puff up the alleged importance

Hence, one should not naïvely use Mosaic law for the holy nation of Israel as a direct model for the conduct of all nations. As the Westminster Confession of Faith states,

To them [Israel] also, as a body politic, he gave sundry judicial laws, which expired together with the State of that people; not obliging any other now, further than the general equity thereof may require. (19.4)¹³

VII. *The Reign of Christ*

So where does that leave us? If the law of Moses is not a direct model, does it leave each modern “body politic” merely to do whatever it wishes? No. As Abraham Kuyper maintained, Christ is seated at the right hand of the Father. He has authority over all earthly authorities:

far above all rule and authority and power and dominion, and above every name that is named, not only in this age but also in the one to come. And he put all things under his feet and gave him as head over all things to the church. (Eph 1:21–22)

VIII. *Earthly Authorities Are Answerable*

One sees a passing reference to the responsibility of earthly authorities in Paul’s conversations with Felix: “And as he [Paul] reasoned about righteousness and self-control and the coming judgment, Felix was alarmed and said, ‘Go away for the present. When I get an opportunity I will summon you’” (Acts 24:25). Felix was responsible to God, not only as a private individual who had sinned, but as a magistrate who had an obligation to act according to “righteousness.” He will have to face future judgment for both his private acts and his conduct as a Roman governor.

IX. *Impartiality*

What then, does God expect of magistrates? He expects “righteousness.” But he expects that of everyone everywhere, in all of life. What is special to magistrates? One principal obligation is exactly what Felix confronted in the situation in Acts 24, the obligation to do righteousness in the case of Paul and the charges against him. More broadly, Felix should do righteousness in all the cases that came before him. How well was Felix doing on this score? Felix knew that Paul

of a political program. But, as indicated below, the state is not the savior. By contrast, in the OT the kings in the line of David were types of Christ the coming savior.

¹³ But the broader discussion of the duties of the civil magistrate in the Westminster Standards was revised in the American context at WCF 23.3 and a few other places: see “American Revisions to the Westminster Confession of Faith,” https://www.opc.org/documents/WCF_orig.html. The revisions eliminated the duty of the magistrate to suppress “all blasphemies and heresies.”

was not guilty of a crime, but nevertheless continued to hold him in custody, partly in hopes of getting a bribe (v. 26), partly in order to please the Jews: "And desiring to do the Jews a favor, Felix left Paul in prison" (v. 27). He was *not* acting in righteousness. He was showing partiality toward the Jews. And conceivably, if offered a bribe, he would have shown partiality because of the bribe.

A similar fault is found in Pilate. Pilate explicitly said that he did not find Jesus "guilty of any of your charges against him" (Luke 23:14). Pilate should have released him. Instead, under the pressure of the mob (vv. 18–23) and veiled threats to denounce Pilate before Caesar (John 19:12), Pilate showed favoritism to the mob.

The OT sets forth particular standards for judges. It repeatedly calls for them to be *impartial*:

nor shall you be *partial* to a poor man in his lawsuit. (Exod 23:3)

You shall do no injustice in court. You shall not be *partial* to the poor or defer to the great, but in righteousness shall you judge your neighbor. (Lev 19:15)

You shall not be *partial* in judgment. You shall hear the small and the great alike. You shall not be intimidated by anyone, for the judgment is God's. (Deut 1:17)

You shall appoint judges and officers in all your towns that the LORD your God is giving you, according to your tribes, and they shall judge the people with righteous judgment. You shall not pervert justice. You shall not show *partiality*, and you shall not accept a *bribe*, for a bribe blinds the eyes of the wise and subverts the cause of the righteous. Justice, and only justice, you shall follow, that you may live and inherit the land that the LORD your God is giving you. (Deut 16:18–20)

God himself is impartial in his judgments:

For the LORD your God is God of gods and Lord of lords, the great, the mighty, and the awesome God, who is not *partial* and takes no bribe. (Deut 10:17)

but glory and honor and peace for everyone who does good, the Jew first and also the Greek. For God shows no *partiality*. (Rom 2:10–11)

God does not show favoritism. According to Rom 2:10–11, he does not favor the Jew because he is a Jew, or the Gentile because he is a Gentile. Rather, in all cases he judges according to the facts of the case.

Human judges should imitate him. The principle is in fact a universal principle, based on God's character, not merely a principle relevant for the holy nation of Israel. It is an implication of the fact that God is righteous, and that he is a righteous judge (Gen 18:25).

Felix and Pilate did not follow this principle. They showed partiality to the Jews to keep their favor. Similar observations hold for the magistrates at Philippi, who yielded to a pagan mob of accusers (Acts 16:20–22).

X. *The Principle of Impartiality Extending to the Present*

Since the principle of impartiality is universal, it extends into the present. And indeed one may observe some sensitivity to this principle even among those who are not interested in being instructed by the Bible. In the West, at least, the populace does not look with favor on cases in which bribery is discovered. Neither does Western law. Recipients of bribes can end up in jail. Moreover, people do not like it if a public official awards a state contract to a relative or personal friend, thereby showing partiality towards the relative. Judges are expected to recuse themselves and allow another judge to take the case, if a case comes before them in which one of the parties is a relative or a friend.

XI. *Limits in Impartiality*

The principle of impartiality exposes a limit to the kinds of things that the state should do. How so? We can proceed towards an answer by first asking whether partiality has a legitimate place anywhere in human life. The answer is that it does. Individuals can be partial in their ordinary affairs.

The decision to marry one person rather than another is a decision that is partial toward the chosen one. Why is such partiality permissible within God's world? Because a marriage is not a state enterprise, and the suitor is not, as a suitor, an agent operating according to the authority belonging to him as an officer of the state.

If a person is a judge, it would be unfair to decide in favor of his wife in a civil suit, just because she is his wife. But it is not unfair for him to marry his wife in the first place, rather than choosing another woman. Why? Partiality in choosing a marriage partner is permissible, indeed, inevitable. Partiality in a judge's decision is impermissible, because he is an agent of the state.

In a privately owned business, the owner may decide to donate to a charity out of his business funds. Or he may decide to give a gift to one of his children. It is up to the owner. He does not have to be impartial about which person he gives to. What is different here from the principle of impartiality in state judgments? It is that the business is not the state. It does not have the authority given to the state. Neither does it have exactly the same obligations to God with regard to the details of behavior in the sphere in which the business operates.

People reasoning about ethics can easily make mistakes in this area because they reason only with general principles, such as the Ten Commandments. The Ten Commandments apply to everyone everywhere. Hence, people reason, they apply to magistrates, as agents of the state. This conclusion is true. But then, without further thought, they might reason, "In the Ten

Commandments, God commands us not to covet. So agents of the state should fine people for coveting, in order to promote contentment.” The conclusion is illegitimate, because coveting, as we observed before, is not a crime. It is not within the authority of the state to undertake to punish it. The Ten Commandments apply to all of life. But they do not apply in exactly the same way to people with different responsibilities, given by God. The application may depend on the kind of responsibility they have—and therefore on the kind of authority that they have.

Here is a harder case. One moral principle in the Bible is that people should be compassionate to the poor (Deut 15:7–8). That obligation stems partly from the principle of generosity (the positive side of the eighth commandment, Eph 4:28; 1 Tim 6:18), partly from an implication from the sixth commandment, namely, that one ought to enhance the life of one’s neighbor. So people may reason, “The magistrate must be compassionate to the poor in his capacity as magistrate.” But this conclusion runs directly contrary to the explicit instructions in the Mosaic law: the judge is not to favor the poor (Exod 23:3); neither is he to favor the rich (Exod 23:6). To favor the poor because he is poor would be to exercise partiality, to be partial toward the poor.

One may contrast the instructions to magistrates to the general instructions given to the people in Deut 15:7–11:

If among you, one of your brothers should become *poor*, in any of your towns within your land that the LORD your God is giving you, you shall not harden your heart or shut your hand against your poor brother, but you shall open your hand to him and lend him sufficient for his need, whatever it may be. Take care lest there be an unworthy thought in your heart and you say, “The seventh year, the year of release is near,” and your eye look grudgingly on your poor brother, and you give him nothing, and he cry to the LORD against you, and you be guilty of sin. You shall give to him freely, and your heart shall not be grudging when you give to him, because for this the LORD your God will bless you in all your work and in all that you undertake. For there will never cease to be poor in the land. Therefore I command you, “You shall *open wide* your hand to your brother, to the needy and to the poor, in your land.”

In these verses God tells people to pay attention to the poor because they are poor. The verses imply a “partiality” that pays attention to the particular need. Likewise, consider the instructions to the former thief in Eph 4:28: “Let the thief no longer steal, but rather let him labor, doing honest work with his own hands, so that he may have something to *share with anyone in need*.” He should pay attention to “anyone in need.” He pays attention. He is partial to that person because the person is in need. The verse does not go into detail, but the compassionate person pays attention to what the particular need is. He does not blindly throw money at the person, merely to relieve himself of a sense of guilt. By contrast, the magistrate deciding a court case must *not* pay attention to all the information about who the person is who stands before him. He must not be prejudiced by who the person is, but must narrowly attend to the law, as it applies to the court case before him.

One may further illustrate the difference between the impartiality of the state and the partiality of ordinary social relations by using the case of Boaz. Boaz married Ruth. That is an act of partiality. Though in Deut 25:5–10 the Mosaic law regulates marriage and inheritance for childless widows, it does not give power to the state to *compel* someone to marry his brother's widow. On the contrary, Deut 25:5–10 explicitly contemplates a case in which the brother refuses. The man is subject to shame for having refused, but he is not under compulsion from the state.

In Ruth 4, there is the unnamed relative (3:12; 4:1). He is a closer relation to Naomi than Boaz, and so has the first opportunity, according to the law. But he refuses. Boaz accepts. It is an act of partiality toward Ruth and toward Naomi. Meanwhile the elders observe the transaction. The elders function as agents of the state, overseeing the disposition of the widows (Naomi and Ruth) and their property. The elders are supposed to make sure that there is no manipulation or neglect of the principles of ownership and inheritance. They must be impartial. In following the law, they are not supposed to favor the unnamed relative or Boaz or Ruth or anyone else. “We are witnesses” (Ruth 4:11), they say. At the conclusion, they do give their wishes of blessing to Boaz and Ruth: “May the LORD make the woman, who is coming into your house, like Rachel and Leah” (v. 11). This utterance is what any of the townspeople might say, and is not part of the official impartiality that they are obliged to exercise in overseeing the core of the property transaction.

Naomi and Ruth are poor and in distress, in several ways. They are needy. Israelites should exercise compassion. And Boaz does, not only by his final act of marrying Ruth, but by earlier acts of kindness in Ruth 2. What answers the distress of Naomi and Ruth is not a faceless program of the state, but a full-blooded person, a kinsman, Boaz. He finds out about them as persons, and finds ways to show kindness that match their needs with his personal touch. The trouble with using impartiality as a tool here is that it is the wrong tool. Naomi and Ruth need *partiality*, such as Boaz shows. He is able to do it as a fellow Israelite, first of all, and then also as the owner of the fields. He instructs his workers to “pull out some from the bundles for her” (2:16). He can say that because he is the owner. He could not with full integrity say it as an independent decision if he were in someone else's field. Care for the poor and suffering ought to be adjusted to the particular, highly personal needs of the person in suffering. Boaz is not exercising his care as an agent of the state, who is allowed only to show impartiality.

XII. *Difference in Offices*

As a general principle, God has given limited authority to each office—whether legislators, judges, police, soldiers, business owners, executives, fathers, mothers, coaches, university presidents, teachers, nurses. This authority differs

from office to office.¹⁴ The authority of civil government is the authority over people's bodies, to inflict outward punishments for harms to other people's life and property. The authority has to be exercised in line with the principle of impartiality. By contrast, the care for the poor, properly understood, is a principle of partiality. It is not in the hands of civil government, but in the hands of families, private groups, and individuals.

XIII. *Government Programs to Help Those in Distress*

It follows that government programs for the poor are always less than ideal. On a pragmatic level, they may sometimes achieve limited goals. But some of them actually have the opposite effect of keeping the poor in dependence and the humiliation of dependence. There are whole books on this theme, concerning the problems generated by government intervention.¹⁵

The reason why the government programs are unsatisfactory is not merely that they are badly run. It is intrinsic. You cannot be both partial and impartial at the same time and in the same way. Another way of putting it is that coerced compassion (i.e., government programs, which coerce taxpayers in order to have the money for their programs) is not compassion. The people who are recipients instinctively know the difference. They are humiliated rather than empowered, and at the same time they are tempted to regard the government "help" as a *right*.

Civil government does not have this job. It ought not to have this job. When it tries to do this job, it still has to protect the semblance of impartiality: it regulates in order to try to head off corruption and bribery and the like. So it produces an elaborate system of rules—the "administrative state." It is terribly impersonal. Individual social workers may try hard to introduce a personal touch, by their words and their demeanor. But they are hemmed in by the rules. They are forbidden from proceeding even with obvious helps if these helps are not within the rules. And the problem is intrinsic, because the government is trying to do what it does not have the authority to do. And people receiving "help" to some extent instinctively *know* that. People who are watchdogs of the government cry "foul" when there are instances of partiality, not justified by the rules. Of course sometimes the rules are adjusted, by adding more detailed rules, because the rules already in place are inadequate. And it is true that some rules are better than others. But, on the level of fundamental principles, and with a view to the long run, it is hopeless to try to reform the situation with "better" government programs. The whole thing is rotten from the foundation.

¹⁴ Poythress, *Redeeming Sociology*, ch. 25.

¹⁵ Marvin Olasky, *The Tragedy of American Compassion* (Wheaton, IL: Crossway, 1992); and Steve Corbett and Brian Fikkert, *When Helping Hurts: How to Alleviate Poverty without Hurting the Poor—and Yourself* (Chicago: Moody, 2009).

Samaritan's Purse is a good example of a contrasting approach. They go into disaster areas with food and blankets and clean water and temporary shelters and medical services. But they also talk to, listen to, and *pray* for the people who are affected and who are traumatized. They are *partial*, in the sense of paying attention to each person in his individuality. Judges are told to do the *opposite*. Samaritan's Purse can be partial because it is a nongovernmental organization.

XIV. *Government Beyond Judicial Cases?*

One question that remains is how civil governments function in ways that go beyond the cases of judicial process. The specific Mosaic passages about impartiality focus on cases that come before the judges. The judges must not favor one party because of a bribe. They must decide on the basis of the facts of the case, not on the basis of the *persons*, whether rich or poor, whether native or sojourner, whether high or low in social standing (Deut 24:17). One function of civil government is to decide such judicial cases.

But there are *other* functions of government, such as waging war. Defensive war is authorized as a form of defense of life and property.¹⁶ Does the principle of impartiality apply to these other functions or not?

The Bible does not contain a paragraph or an essay directly discussing all possible functions of government. But there are two reasons to think that the principle of impartiality applies to civil government across the board.

1. *Core Functions Involve Impartiality*

The first reason is that other core functions of government are closely tied to the core responsibility for judicial processes. The judicial processes are there to protect people from other people's attacks on their lives (murder, manslaughter), their families (marriage in particular), their property, and their standing in court (false witness). For example, waging war, in defense, functions as protection from outside attacks on life and property. It should be done impartially. It is not supposed to matter, for example, *who* the attacking band or attacking foreign nation is. It is not supposed to matter whether the attack is on a small village or on the capital city. Government has a responsibility to respond impartially to the variations in the kinds of attacks.

Another question is the issue of coinage. In some of the records in the OT, money may have taken the form of weighed-out quantities of silver or gold (Gen 23:15–16; 37:28; possibly 42:25, 27–28). That makes sense in cases of international trade. By the time of the Roman Empire there were official coins

¹⁶ Nehemiah 4:14. Deuteronomy 20 provides regulations for Israelite war. But vv. 2–4 provide for a special role for the priests, and the instructions in vv. 1 and 4 contain a special appeal to "the LORD your God." These features show that the instructions are not directly generalizable to apply to nonholy nations.

(Matt 22:19). What gave the Romans the authority to produce official coinage? It is a practical way of discouraging fraud in payments, which is one of the domains that come before judges. Coinage is therefore a legitimate function of government—though the case of Abraham shows that ancient societies could function without official coinage. Another area of Roman work was to build roads. Why? They are convenient for many purposes. But one purpose is to allow military forces to move around to keep the peace—with a clear connection to government authority to protect life and property.

The Romans also built aqueducts to supply water to cities. This kind of work is more complicated to evaluate. But there are some needs for cities and towns that are “natural monopolies.” In some locations, the need for water is a natural monopoly, because the best source of water is distant from the city or town (John 4:6–7). It might be distant vertically (needing a deep well), or horizontally (a mountain stream). If some enterprising person is able to dig a well or build an aqueduct or some other structure to bring the water right to the town, he can charge everyone in the town a fee for filling up. In such a situation, there are what are called “economies of scale.” It is easier to build one big aqueduct than to have five, each owned by a different owner. It is easier to dig one deep well than to have five. The result is that the owner of the one aqueduct or the one well has a natural monopoly, due to being the first to do it. It discourages everyone else from trying to duplicate his work. Consequently, the owner can jack up the price of water, well above what it has cost him, and still everyone has to use his water. The civil government with its interest in impartiality has an interest in setting right any such exploitative situation, where a monopolist owner exploits his monopoly. One solution is for the government to pay some individual or some team to dig the well or build the aqueduct, once and for all. It can then be free for the use of all the residents.

In our modern day, that is why the government has anti-trust laws. The laws are intended to head off monopolistic practices in areas of commerce where there is no natural monopoly, but where a consolidation of many companies into one single company could produce a manufactured monopoly. Other cases *do* involve natural monopolies. We have companies that distribute water and electricity to whole cities. These are natural monopolies, and the government regulates them to make sure that they do not charge excessively. Admittedly, it is hard to say exactly what impartiality means in the details of these arrangements. But protection of small guys (families, home owners) from big guys who figure out how to throw their weight around with a monopoly is one function of the balancing act of impartiality.

When we return to the case of coinage and of roads, we can see a similar operation of impartiality. The coinage is available for everyone to use, whether small or great, whether rich or poor. The roads are there for everyone to use, whether small or great. It would be an offense against impartiality if the roads were restricted only for use by the rich.

2. *Burden of Proof*

A second reason has to do with the issue of burden of proof. Suppose someone claims that government has legitimate authority from God to engage in practice X. Is the burden of proof on the claimant or on the opponent who denies the warrant for authority? My answer is that the burden of proof is on the claimant. Why?

We saw earlier that the civil government has the power of the “sword” (Rom 13:4). It is the power of the death penalty, the power over the very life of the person. The sword is at the far end of a broader principle of coercion. Civil governments want their subjects to obey willingly. But because sin contaminates everything, they need external bodily pressures to reinforce their commands. They use coercion. The threat is always there, even when the subjects are temporarily docile. For example, the government authorities hope that everyone cooperates in paying taxes. But suppose someone refuses? The authorities will then *seize* some of his property. If he fights against the seizure, he may get killed in the process.

The power of coercion is not “nice.” It is an unfortunate need, because of sin. Because the power is so great, one should hesitate to use it frivolously or unnecessarily. One should not use it unless one has authority to use it. And that authority derives from God (Rom 13:1). Because the power is great, the burden of proof is on the claimant, to show in a particular case, with respect to a particular proposal for government action, that the government does indeed have the authority from God that it needs in order to act. Impartial regulation over social relations and economic relations, to protect life, family, and property, is one need authorized by God.

XV. *More Needed*

These thoughts offer only a beginning. There are many challenges in trying to work through the principles at a practical level, whether with Samaritan’s Purse or drug rehabilitation programs or dealing with people with not enough food.

XVI. *Two Political Movements: Woke “Equity” and “Christian Nationalism”*

The principle of impartiality has relevance for modern political movements. Let us consider briefly two movements at opposite sides of the political spectrum: advocates of “equity” in critical race theory, and Christian nationalism.

1. *“Equity”*

First consider the concept of equity in critical race theory. In 1977 “equity” meant “**I** a justice according to natural law or right; *specif*: freedom from bias

or favoritism.”¹⁷ It was a synonym for impartiality. Contemporary critical race theory, as a sociological theory, has turned the word nearly into its opposite, so that “equity” exists when *outcomes* are equal. For example, allegedly, to have equity, colleges should admit each ethnic group in exact proportion to its percentage of the total population of college-age residents. The *outcome*, in quantity of admissions, must balance the ethnic composition of society. Or perhaps colleges should admit *some* ethnic groups in even greater numbers in order to redress past imbalances in the other direction. The outcome when students graduate must similarly conform to ethnic percentages. Such an approach is partial towards whatever ethnic groups are perceived as disadvantaged. And the principle can also be applied toward minority groups that are perceived as *advantaged*. Some people think that the Jews should be held back, because they outperform other groups. And students of Asian background should be treated the same way. This approach practices blatant partiality. It plays favorites. It pays attention to the person, and his or her membership in an ethnic group, rather than attending only to the information relevant to abilities to do well in college. It is out of place in programs run by civil governments.

2. *Christian Nationalism*

The principle of impartiality also has relevance for the current discussion of “Christian nationalism.” Christian nationalism can mean many things. It could mean merely that Christ is Lord over all nations, which is a biblical teaching (Eph 1:21–23). It could mean the kind of sphere sovereignty that Abraham Kuyper thought was an implication of Christ’s universal rule. It could mean that the moral law of God, such as is expressed in the Ten Commandments, is the final standard for judging right and wrong.

But in current discussions it sometimes means that government officials should show preference for Christian individuals and Christian institutions such as churches and Christian schools. The preference could take place either in the specifications of particular laws, or in the judicial decisions of judges and people who execute the laws. Whatever form it takes, such preference is partiality. It is not Christian, but anti-Christian, because it is out of accord with God himself, as the Bible shows in its discussion of impartiality.

In support of this kind of partiality, people may sometimes appeal to the punishment of idolatry in the Mosaic law. But, as observed already, and argued more extensively elsewhere,¹⁸ the punishment for idolatry belongs to Israel as a *holy* nation. It is fulfilled in Christ’s perfect righteousness, in his perfect triumph over Satan, and then also in the church’s responsibility for casting out the unrepentant people from its midst and consigning them “to Satan for

¹⁷ *Webster’s New Collegiate Dictionary* (Springfield, MA: Merriam, 1977).

¹⁸ Poythress, *Shadow of Christ*, chs. 9–11.

the destruction of the flesh” (1 Cor 5:5). It is not a basis for trying to make a modern nation holy.

XVII. *The Nature of Holiness*

The church is holy; the nations as organized according to civil government are not. The authorities in civil government are all responsible to God and exist under the universal rule of Christ. But that does not make the offices in civil government holy, and it does not imply that they have an obligation to make the civil government itself a holy institution.

One has to take seriously the fact that no one except God can make a person or an institution holy.¹⁹ Ever since the pouring out of the Spirit at Pentecost, there is only one group of people that is holy. The church is holy, and all the people in it are holy. No civil government is holy *as an institution*, even if it is run by Christians. A Christian who is a magistrate is a person who is holy *as a Christian*, belonging to Christ and to his church. But his being personally a Christian does not make the office of magistrate holy. This principle implies that the civil government does *not* have authority to punish false religion. It has authority to punish “horizontal” damages, that is, damages of one human being against other human beings, harm to life and property.

XVIII. *Historical Failures*

The whole course of history shows repeated failures at this point. Almost every society in the world has failed. Look backwards as far as historical records go, or look outwards to all kinds of cultures. Almost every society has used and still does use coercion to enforce “proper” religion. This enforcement takes place even beyond the bounds of “traditional” religions. Atheistic communism enforces atheism, which, paradoxically, involves a kind of deep, quasi-religious commitment. Officially atheistic governments are fanatical about promoting atheism, and their very fanaticism shows that they are following a substitute religion. Progressive ideology becomes a quasi-religion, which wants the government to enforce speech codes to shut down dissent (such as dissent from currently popular sexual mores). Dissent is being treated as blasphemy against the religious commitment to the current code.

There are of course many societies that have a degree of toleration for minority religions. A measure of toleration can be expected in the case of vast empires that rule over many people groups of diverse religious background. The unity of the empire depends not first of all on unity of religion but on

¹⁹ Why not? Should not a holy people or a holy priest be able to extend the bounds of what is holy? People can dedicate things to God. But the whole process takes place within parameters already set by God. To go beyond the parameters is to imitate Nadab and Abihu, who “offered unauthorized fire before the LORD, which he had not commanded them” (Lev 10:1).

military power. But military power alone leads to restlessness among the ethnic groups. And empires typically still have official state religion. (Christians got into trouble in the Roman Empire not because they belonged to a minority religion, but because they refused to participate *in addition* in the state religion of emperor worship.)

In a way, coercion of religion is an understandable impulse, because religion is everywhere and religion is one of the glues that hold a society together. Religion, whether traditional or remade in the modern idiom of ideology, draws ultimate commitments. It matters. And having made their commitments, people want to coerce holiness. The pattern is common. But that it is common does not make it right. God as the judge of the universe enforces holiness at the day of judgment. Right now, the church as the genuinely holy community ought to enforce divine holiness within its bounds (the most extreme discipline being excommunication). But that is the proper extent of it.

It is worth appreciating how unusual is the First Amendment to the U.S. Constitution. The First Amendment prohibits civil government from interfering with religious practice. In terms of the history of humanity, that is unusual. The countries of Europe, partly influenced by the example of the United States, now allow the practice of multiple religions with multiple religious gatherings. But some of them still have state churches. Having a state church is partiality in the government.

Lately, European countries have begun to enforce speech codes. (The same also occurs in the U.S., but it is restrained by the First Amendment.) They show partiality to a preferred ideology. One argument in favor of such partiality is that certain kinds of speech should be excluded because they hurt people. It hurts their feelings. But undertaking to punish the alleged harm to feelings goes beyond the principle of protecting life and property. It is not a divinely authorized function of civil government. Moreover, government intrusion into this area entangles itself in preferential treatment—partiality—toward groups whose feelings are favored. For example, the current progressive-oriented watchdogs for people's feelings want to forbid Christians from telling about the Bible's standards for sexual morality. They are sensitive to an alleged attack on the feelings of homosexuals and transgender individuals. They are not equally sensitive to the feelings of Christians who are being told that their own religious commitments are condemned. The effect of speech codes is to exercise partiality.²⁰

XIX. *Possible Objections*

Now consider briefly a few common objections.

²⁰ We do not at this point address all the details. The damage due to false witness is addressed in OT law (Deut 19:15–21). By implication slander and libel are punishable because they damage reputation, and with it, ability to carry on economically.

Objection 1: We Need a Savior

The difficulties and sufferings in a whole society are many. And many of them are acute. They reach crisis proportion. The more serious the crisis, the more people are aware of the need for a strong remedy. As they look around at earthly institutions, one institution stands out as the center of greatest power: the civil government. It is instinctive to many people to think, “This crisis is so big, the government must do something about it.” The government has become the savior. It is the universal remedy for our ills—even if a more careful analysis might show that sin is the root cause of those ills. This clinging to the government as the savior is a form of worshiping the beast, as depicted in the book of Revelation. “Who is like the beast, and who can fight against it?” (Rev 13:4). The state has become an idol, a substitute for the much harder path of submitting everything to the true God.²¹

Christians may know enough to escape the more blatant forms of beast worship. But it is still possible to err in what one expects of civil government.

One temptation is to withdraw from politics, because it is alleged to be “worldly.” But Abraham Kuyper was right to insist that Christ is Lord of all. And this includes the political sphere.

The opposite temptation is to expect civil government to be a leading force in Christian reformation. One thinks, “If only we had political power, we could accomplish so much.” No, you couldn’t. You might be able to accomplish *something*. But human law is a blunt instrument. Decades ago, in oral conversation, Edmund Clowney gave me a key insight. He said that in a country that was highly Christianized, any kind of government would work. The priority here is the right one. “Make disciples of all nations, ... teaching them ...” (Matt 28:19–20). The aim is not merely to make converts, but “disciples.” They have to grow. They have to “observe all that I have commanded you” (v. 20). The church has to grow in numbers, in spiritual health, in maturity, and so be a mature source of nurture for its members. If Christian faith leavens a whole people, a whole society, a whole culture, it affects all spheres of life, including civil government. Even people who do not profess to follow Christ are influenced by common grace to absorb some of the virtues, attitudes, and wisdom from the words and practices of Christians. The social problems diminish. The frustration level diminishes. The strife diminishes. The wisdom of social and educational and political leaders increases; they avoid both utopianism and indifference. The magistrates do not do as many foolish things. And other organizations grow in ability to serve human needs.

But if it were to happen, it would be a long process, which would include reversals, failures, disappointments, and humiliations along the way (Acts 14:22). One does not have the option of snapping the fingers of civil government and

²¹ Vern S. Poythress, “Counterfeiting in the Book of Revelation as a Perspective on Non-Christian Culture,” *JETS* 40 (1997): 411–18.

saying, "Do it!" If one's aim on earth is primarily cultural transformation, it is an idol, and it will fail. If one's aim is simply to serve the Lord with patience (1 Tim 2:2; Rom 8:25), one will receive blessings in the wake. "For the Gentiles seek after all these things, and your heavenly Father knows that you need them all. But seek first the kingdom of God and his righteousness, and all these things will be added to you" (Matt 6:32–33).

Objection 2: No Alternative

A second objection is that private sources (churches, foundations, individuals) do not have the resources to take up the task that the government now has in its hands. I agree that at a pragmatic level a sudden change would cause massive disruption. Any change has to be undertaken gradually. But I would also say that this objection is like saying that if I have put myself in debt for \$1 million, by mismanagement, it is not easy for me to find a few friends who will bail me out overnight. It is true that my situation has no easy private remedy. But the lack of remedy is not an excuse for just continuing in debt, or putting myself more deeply in debt, or expecting the government to bail me out of debt. Neither is the magnitude of problems in the hands of the government a sufficient excuse for just continuing in the same direction.

Government charity is the problem, not the solution, as Marvin Olasky's account details.²² Government charity puts people in permanent dependency situations, destroys families, and dries up private sources, because the private sources think that the government is taking care of the problem and turn to some other kinds of needs. And then, when this counterproductive system has operated for a long time and the problems have increased under it, the objection justifies it as a necessity, because the problems are now so big that nothing except government can handle the scope of it.

Objection 3: The Will of the People

A third objection is to say that anything that the government undertakes is OK as long as it represents the people. In democratic countries, the people elect the officials. The argument then runs as follows. The officials are supposed to carry out the will of the people. The officials have authority derived from the people. They then use their authority *on* the people. But that is OK, because it is only the authority that the people impose on themselves.

To begin with, this account of authority is antibiblical. This account is popular, and there is a history to it, connected to the contract theory of government. But it is deeply mistaken. The people do not have unlimited authority, but only such authority as derives from God. Romans 13:1 directly asserts that God is the source of authority. This principle is confirmed in other passages: Ps 75:7, Dan

²² Olasky, *Tragedy of American Compassion*.

2:21, and Dan 4:34–36. That authority comes from God holds true as a universal principle. It is *also* true that God uses secondary causes within the world. At the level of secondary causes, there are variations.

For instance, a conqueror like Alexander the Great obtains control of the world of his time by military conquest. This conquest may or may not be in accord with the moral standards of God (most of the time not). But when the conquest is complete, he has control of the territories. He institutes a permanent form of government in these territories. The secondary causes in the form of military conquest include injustice; yet, God uses them to install officials in power who have civil authority. No matter how civil authorities come to power, through secondary causes, it is ultimately God who appoints them. In particular, “the people” have no authority to appoint for themselves a civil government that exceeds the limited authority that God grants. When the people elect an official, they are the secondary cause and God is the primary cause who installs the official in his office.

In addition, even on its own terms this theory of authority from the people has deep flaws. The people appoint a government and officials in the government. But if even one person among the people disagrees, the will of the people is exerted coercively against the one holdout. The one holdout has no choice. He is forced to submit. How does one justify this coercion, except by an appeal to God, who is the ultimate authority, or an appeal to the superiority of the people as a collective? But in the latter case the collective has become the latest idol. Moreover, the government holds control not only in the present but for the future. What gives people the authority to bind their children and their children’s children, indefinitely into the future? The appeal to the will of the people is an idol.

Moreover, on a pragmatic level, the French revolution illustrates what may be the consequences. The will of the people sometimes becomes the will of the mob. And the will of the mob appoints a tyrant, who allegedly embodies the will of the people.

It is true that people have the ability to enter into a contract. When people sign a contract, they promise to conduct themselves according to the terms of the contract. Who enforces the contract? Civil government must, because “enforcement” means coercion. The two parties to the contract do not themselves have the authority to coerce each other, let us say by threatening to kill each other. A good civil government functions impartially in a case like this. It does not artificially favor one party to the contract, whether rich or poor, whether small or great. Civil government is *not* like a contract, because a normal contract already *presupposes* the authority of civil government to do the enforcing. God, of course, is the ultimate enforcer, at the last judgment. (And God exercises preliminary instances of judgment in his providential rule.) But the crucial remaining question is whether and how there is an *earthly* human authority to do some piecemeal enforcement, short of the coming last judgment. The people’s power to make a contract is not unlimited. It is constrained

by what God grants, and by the enforcing power of civil government. Hence, the people's power to construct a civil government is limited. They have no sovereign authority to construct a government beyond the limits for civil government set by God—limits which include the principle of impartiality.²³

Objection 4: Just Be Pragmatic

A fourth objection takes the form of searching for a merely pragmatic solution. "Let us just do what works." But whether something "works" can be determined only if one knows what the goal is. Who is to say what is the goal of this allegedly "workable" path? How does one guarantee that what "works" to address a difficulty in the short run will not lead to tyranny in the long run? And how does one justify the workable path *morally*? The moral obligation of "ought" does not arise spontaneously and automatically from the factual state of affairs in the world. The end does not automatically justify the means. One must take into account the fact of God and his existence and his moral character. What works must be defined as what serves the glory of God, not the glory of man or the comfort of man.

Conclusion

In conclusion, God has given to civil governments authority—divine authority. It is an awesome authority, including the power to take away human life ("the sword" in Rom 13:4). It is nevertheless limited in scope. And one of the key limitations is that civil government must act with impartiality, and have laws that in their formulations are impartial. As noted above, it is also limited to adjudicating horizontal affairs, between human beings. Apart from the OT situation of Israel as a holy nation, civil authority does not include authority to pay out retribution for human attacks on God, such as false worship.

Knowing something about principles of limited government has value. Understanding the principle of impartiality has value. But its value is limited by the fact that at the present time the body politic in the various nations of the world do not see the wisdom of this kind of limited government. Nor has the body of residents been transformed in other ways by the leaven of Christian influence. Consequently, major healthy changes are not likely to happen in the immediate future. In the West, people are living with the consequences of their own follies—not only follies about government but follies about God and the nature of reality. That too, manifests one aspect of God's government of the world. Sin has consequences.

²³ An illustration comes to mind from the country of Rwanda, occupied primarily by two tribal groups, the Hutu and the Tutsi. If the Hutu were in the majority and elected a government with the intention of consolidating their power, would their majority vote constitute a basis ("the will of the people") for continued government favoritism towards the Hutu?