

# To My Fellow Christians

by Laurence M. Vance

*Some Christians think disobeying the state is itself a crime. They have made the state into a god. They have violated the First Commandment.*

Dear Friends,

We Christians are law and order types. We can generally be counted on to obey the laws of the land — federal, state, and local. And that's good. We are also a moral people. We don't generally frequent crackhouses, bathhouses, or whorehouses. And that's also a good thing.

These things are especially true of Christians who consider themselves to be conservatives, evangelicals, fundamentalists, independents, Bible-believers, or Bible-literalists. Since I fit into this general category, I write on this subject with some authority.

I would like to propose what is a radical proposition to most conservative Christians: there should be no laws against victimless crimes. None. Zero. That proposition may not sound too radical to most readers of this publication, but it would get me censured in some religious circles. And if there are laws against victimless crimes, Christians should not be supporters of them.

What kinds of victimless crimes am I referring to? There should be no laws against drug possession, drug use, drug importation, or drug sales. In fact, there should not be any such thing as an illegal substance. There should be no blue laws, no usury laws, no seatbelt laws, and no motorcycle helmet laws — including those ridiculous bicycle helmet laws. There should be no laws against price gouging, drunk driving, pornography, or gambling. Since there is no reason for me to shy away from the hard cases, I would even go so far as to say that no consensual acts between two indi-

viduals should be illegal. That would include escort services, lap dancing, peep shows, topless or nude dancing, and prostitution. Sodomy laws would fit in this category, and so would that great crime against humanity — ticket scalping.

I am not suggesting for a minute that all or any victimless crimes or consensual acts are necessarily good things. Many of them are always bad — like smoking crack cocaine. Some of them might be bad some of the time, but not all the time — like the difference between smoking pot to get high and smoking pot to relieve the pain of glaucoma. Others are always good things — like a willing seller and a willing buyer exchanging a concert ticket for cash. And I am not suggesting that the participants in a victimless crime or a consensual act are not harming anyone. The participants might in fact be hurting or severely injuring each other or themselves. But as long as they are not harming or violating the rights of non-participants, what they do should not be a crime. What they do may be stupid, but stupidity should not be criminalized. If doing stupid things were a criminal offense, then most government officials would be in jail.

In any event, there are three reasons why Christians should oppose victimless crime legislation. First, not all crimes are sins, and not all sins are crimes. Second, contrary to popular belief, there is no support in the New Testament for the idea that Christians should seek legislation that would criminalize victimless behavior. Third, Christians are making a grave mistake by looking to the state to enforce their morality.

### Crimes and Sin

We know that murder, robbery, and rape are both crimes and sins, but everything the state or the authorities brand a crime is not necessarily a sin. This has been true in all ages.

In the Old Testament, the Hebrew midwives were commanded by the state to kill any newborn sons (Exodus 1:16). But because “the midwives feared God,” they “did not as the king of Egypt commanded them, but saved the men children alive” (Exodus 1:17). In the book of Daniel, we read that King Nebuchadnezzar “made an image of gold” and decreed that when the music started, everyone was to “fall down and worship the golden image that Nebuchadnezzar the king ha[d] set up.” Three Hebrew children defied the king and refused to worship the golden image, for which they were

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cast into a burning fiery furnace (Daniel 3). Daniel himself got into trouble with King Darius when the king decreed that “whosoever shall ask a petition of any God or man for thirty days,” except from the king, “shall be cast into the den of lions.” Daniel, the Bible tells us, did not submit to the

state, but rather “prayed, and gave thanks before his God, as he did aforetime” (Daniel 6).

In the New Testament, the apostles Peter and John were imprisoned by the authorities for preaching and then brought before them and commanded “not to speak at all

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nor teach in the name of Jesus.” But instead of being in subjection, they replied: “Whether it be right in the sight of God to hearken unto you more than unto God, judge ye. For we cannot but speak the things which we have seen and heard” (Acts 4). After this incident, some apostles were again brought before the authorities and asked: “Did not we straitly command you that ye should not teach in this name? And, behold, ye have filled Jerusalem with your doctrine, and intend to bring this man’s blood upon us.” It was then that the apostles uttered the immortal line: “We ought to obey God rather than men” (Acts 5).

No Christian could read these accounts and say with a straight face that everything the state labels a crime is a sin. The Bible is very clear about what sin is. Sin is “whatsoever is not of faith” (Romans 14:23). Sin is transgressing the divine law (1 John 3:14). Sin is knowing to do good and doing it not (James 4:17). But if not all crimes are sins, then why are some Christians often so quick to nod in agreement when it comes to the enforcement of victimless crime laws? And why would Christians even think about wanting something to be made a crime that was not a sin? The only explanation is that some Christians think that disobeying the state is itself a crime. They have made the state into a god. They have violated the First Commandment.

The other side of this coin is the statement: not all sins are crimes. If they were, then everyone would be in trouble, Christians included, for the Bible says that “there is not a just man upon earth, that doeth good, and sinneth not” (Ecclesiastes 7:20). Saying that not all sins are crimes is just a Christian way of rephrasing the classical liberal political philosopher Lysander Spooner:

Vices are those acts by which a man harms himself or his property.

Crimes are those acts by which one man harms the person or property of another.

Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others, and no interference with their persons or property. (“Vices Are Not Crimes,” 1875)

No Christian would be in favor of criminalizing all sins. Not when the Bible says: “The thought of foolishness is sin” (Proverbs 24:9). Why, then, are some Christians so quick to applaud making some sins criminal just because the state

happens to select them and not others? Spooner's wisdom is apropos here:

It is a maxim of the law that there can be no crime without a criminal intent; that is, without the intent to invade the person or property of another. But no one ever practises a vice with any such criminal intent. He practises his vice for his own happiness solely, and not from any malice toward others. . . .

Crimes are few, and easily distinguished from all other acts; and mankind are generally agreed as to what acts are crimes. Whereas vices are innumerable; and no two persons are agreed, except in comparatively few cases, as to what are vices. ("Vices Are Not Crimes")

But how many conservative, evangelical, or fundamentalist Christians have ever read or even heard of Lysander Spooner? Or Benjamin Tucker, Albert J. Nock, H.L. Mencken, Garet Garrett, or Murray Rothbard?

### Victimless Crime Legislation

The Christian's ultimate rule of faith is the New Testament. There is no support in the New Testament for the idea that Christians should seek legislation that would criminalize victimless acts — whether they are sins or not. Specific sins are mentioned that are in fact crimes, such as murder (Romans 1:29), stealing (Ephesians 4:28), rioting (Romans 13:13), and extortion (1 Corinthians 6:10). But what we mainly see in the New Testament are admonitions about how Christians should behave:

Recompense to no man evil for evil. Provide things honest in the sight of all men. (Romans 12:17)

As we have therefore opportunity, let us do good unto all men. (Galatians 6:10)

Let no corrupt communication proceed out of your mouth. (Ephesians 4:29)

Abstain from all appearance of evil. (1 Thessalonians 5:22)

Then there are the lists of vices to avoid. But there are no indications anywhere in the New Testament that Christians should seek or support making these things crimes.

Where did the Apostle Paul, in his travels throughout the Roman Empire, ever express support for any type of legislation? When did he ever tell people who were not Christians how they should live their lives? Paul was himself a victim of a victimless crime law. He was beaten and imprisoned for teaching "customs, which are not lawful for us to receive, neither to observe, being Romans" (Acts 16:21). He was almost killed for teaching "all men every where against the people, the law, and this place" (Acts 21:28). I suspect that many Christians would support legislation against victimless crimes only as long as it stopped short of their particular vice.

It is not the purpose of Christianity to change society as a whole outwardly; it is the purpose of Christianity to change men as individuals inwardly. The Christian is in the world but not of the world. He is to "have no fellowship with the unfruitful works of darkness, but rather reprove them" (Ephesians 5:11), not legislate against them. The Christian is to "live peaceably with all men" (Romans 12:18). Christians are to pray for those in authority that they (the Christians) "may lead a quiet and peaceable life" (1 Timothy 2:2). The

attitude of the Christian should be to mind his "own business" (1 Thessalonians 4:11) and not be "a busybody in other men's matters" (1 Timothy 4:15).

### The Mistake of Looking to the State

Christians are making a grave mistake by looking to the state to legislate morality. The state is no friend of religion, and especially not of Christianity. Why do so many Christians defend, support, and make excuses for the state, its politicians, its legislation, and its wars? Why would Christians even think of looking to the state to enforce their moral code? The actions of the state are the greatest examples of immoral behavior that one could possibly think of. The state exists only by stealing and killing, and then lying about it. It is not the purpose of Christianity to use force or the threat of force to keep people from sinning. Christians who are quick to criticize Islamic countries for prescribing and proscribing all manner of behavior are very inconsistent when they support the same thing here. A Christian theocracy is just as unscriptural as an Islamic theocracy.

I believe that Christians have for the most part failed to fulfill their calling. Instead of making converts and instructing them in the biblical precepts of Christian living, they turn to the state to criminalize what they consider immoral. Instead of changing people's minds about what is and what is not acceptable in society, they seek to use the state to change people's behavior. Instead of greeting with a healthy dose of skepticism the state's latest pronouncement about what substance needs to be banned, regulated, or taxed, they wholeheartedly embrace it. Instead of being an example to the world, they want to use the state to make the world conform to their example. Instead of educating themselves and other Christians about what is appropriate behavior, they rely on the state to make that determination. Instead of looking internally for funding, they look to the state to fund their faith-based initiatives. Instead of minding their own business, they mind everyone else's.

William Anderson has summed it up nicely: "Most con-



"Oh, good — no term limits!"

servative Christians abhor libertarianism because they see it as promoting a permissive lifestyle, from abortion to taking drugs. Yet, what they fail to understand is that the restrictive, prohibition-oriented state that they are trying to create (and also preserve) is much more likely to take away all liberties than a state that gives people permission to live as they wish" ("Libertarianism and Religious Freedom," 2003).\*

### Cases in Point

Since we do in fact have an abundance of victimless crimes in this country, the question to be asked is simply this: what should the response of Christianity be to such things? Should Christians support seatbelt laws? What about helmet laws that govern not only the riders of motorcycles but also the riders of bicycles? Should Christians be in favor of laws that impose penalties for usury, price gouging, and ticket scalping? What about laws that prohibit gambling, drugs, and prostitution? Should church-going Christians support blue laws that regulate the sale of certain items on Sundays?

Seatbelt and helmet laws are predicated on the idea that we need the state to protect us from doing something stupid. Is it a good idea to wear a seatbelt? Probably. Is it a good idea for kids to be securely fastened into a car? Most definitely. Is it foolish to ride a motorcycle without a helmet? I think so. But it is families and friends who should be the ones persuading people to buckle up or wear a helmet, not the state.

But they won't do it, some say, and therefore the state has to do it. This supposes, however, that the state cares more about an individual than do his family and friends — a very dubious proposition. It would be compatible with Christianity to uphold the ideas of individual responsibility and parental responsibility.

What about prices and interest rates that are too high? It might be immoral in some circumstances to charge above a certain price or a certain rate of interest, but it should certainly not be illegal. Economics knows nothing of a "just rate of interest" or a "just price"; these are the products of legislation. Christians who support usury laws and price gouging laws are violating the First Commandment by ascribing

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omniscience to the state. How else could the state determine what the maximum rate of interest should be and then apply that to every situation? How else could the state determine what the correct price of an item should be and then apply that to all circumstances? Christianity would take a common-

sense approach: if you don't want to borrow money at what you believe is a usurious rate of interest, then don't borrow the money; if you don't want to pay what you think is an inflated price for an item, then don't buy it.

But, some will say, don't we need the state to regulate interest rates to protect consumers? Well, how do you help customers by preventing a willing lender from doing business with a willing borrower? From an economic standpoint, we know that what is called price gouging is nothing more than charging what the market will bear. Price-gouging laws violate the property rights of resource owners, they hinder the price system's signaling ability, they contribute to the misallocation of resources, and they cause shortages.

As for ticket scalping, this has got to be one of the most ridiculous examples of a victimless act labeled as a crime. There is no precept of Christianity that frowns on a willing seller and a willing buyer exchanging tickets for cash, as long as they do not violate the rights of the owner of the ground on which they make their exchange. Ticket scalpers should actually be applauded for the valuable service they perform.

But what about gambling, drugs, and prostitution? Christians have historically shied away from games of chance. But is it any of our business if people want to throw their money away? And anyhow, it isn't gambling that the state is concerned about, it's gambling in which the state doesn't take a cut. Christians should not be deceived into thinking that the state is concerned about the immorality of gambling. If a Christian is concerned about gambling, then the answer is persuasion, not prosecution.

When it comes to the attitude of the typical Christian toward drugs, two things are taboo: taking drugs to get high, and not supporting the war on drugs. But do the two things have to go hand in hand? There is no precept or principle in Christianity that would lead me to want the government to arrest and jail an individual who liked to smoke, snort, or shoot up in the privacy of his home. Proof that many Christians are simply not thinking when it comes to drugs is the subject of alcohol. Aside from a small minority of Christians who long for the days of Prohibition, Christians don't generally support making *private* drunkenness a crime. But why is getting high on drugs treated differently from getting high on alcohol?

As would be expected, Christianity is strongly against prostitution, if for no other reason than because it is adultery or fornication. Unfortunately, too many Christians equate a refusal to make prostitution a crime with support for prostitution itself. But if adultery or fornication should not be crimes, then why should prostitution be one? What is the difference between paying \$50 directly for 15 minutes of a girl's time and paying \$50 for dinner and a movie in order to get 15 minutes of a girl's time? True, both activities are sinful in the eyes of God, but why is one illegal and the other not?

Blue laws — laws that forbid the sale of all or certain goods at most stores on Sunday — are some of the silliest victimless crime legislation. (And they're not just concerned with Sunday. In Massachusetts, all stores except convenience stores and gas stations have to remain closed on Thanksgiving, Christmas, and New Year's Day.) But

\*<http://www.lewrockwell.com/anderson/anderson74.html>

right before his eyes. He saw the sun falling and he felt helpless as he had never felt before. He cried and he knew he was over with.

Akopich thought of all the days he'd slowed, stretched, and ultimately left vacant. Akopich looked at the mountains. He'd never climbed them. He looked back toward the central City. He thought of all the women and the candy shops he hadn't visited. He looked at the River. He'd never swum in it. He thought of the poetry he had written. *Death, claim pride in my ruins, for you deserve it.* He cried for all the years he hadn't cried. He hated himself, but he *hated* himself, don't you see? Petros Akopich was alive. And he willed to live. Without will, he finally understood, there had been no happiness; only contentment.

Three decades of tears gushed down from Akopich's eyes, which began to burn. He could see everything clearly now. But it didn't matter. It doesn't matter, does it? Akopich asked the question out loud, but no one answered him. No one heard him.

No one was watching when Akopich looked at the dying sun as one breathes before jumping into the water.

Akopich was happy that no one was witnessing this. But it didn't matter, he told himself. Akopich climbed over the ledge and jumped from the bridge.

He remembered the epitaph he'd once made for himself — "Here lies a man who lived all the days of his life." He laughed in midair. No one knew. He hadn't written it down. Akopich didn't have time to make a will. He had not planned on dying this way. Ohh, the plans! But it didn't matter.

Now, as he approached the water, he had to prepare himself for his inevitable death. In the distance, he could see the abandoned buildings of the southern slums. He thought he saw the basin where the River would deliver his body. There would be sick and hungry dogs there and they would feed on him. Akopich liked the idea. As the rocks at the River's bottom crashed into his head, he allowed himself a smile. For the resurrected poet in Petros Akopich, this last thought somehow mattered.

The City was white and dark when Akopich confronted and welcomed it. □

## To My Fellow Christians, *from page 36*

why should Christians who attend church on Sunday care whether people who don't attend church go shopping? I've noticed that Christians who have a problem with repealing a law that prevents beer from being sold on Sunday don't seem to mind restaurants being open so they have somewhere to eat after church.

### Why?

There are five reasons why most Christians support victimless crime legislation.

The first can be seen in H.L. Mencken's famous definition of puritanism: "The haunting fear that someone, somewhere, may be happy" (*"A Book of Burlesques,"* 1916). Some Christians simply don't enjoy their Christianity as they should because they focus on the negative. They don't drink, dance, smoke, chew, or go with girls that do — and they live their lives in misery because of it. These people want to spread the misery, even if it means using the state to tell others how they should live.

The second reason appears in another passage from Mencken: "The urge to save humanity is almost always a false-face for the urge to rule it" (*"Minority Report,"* 1956). Some Christians want to save humanity from every vice so they can have an outwardly Christian society — but without the work of evangelism and discipleship.

The third reason is that most Christians lack a proper appreciation of the sanctity of private property. Although the Bible defends private property, they do not appreciate the possibility that what a man buys, sells, manufactures, drinks, smokes, or looks at on his own property may be his own business.

The fourth reason is that most Christians have too lofty a view of the state. They are too quick to rely on the state, trust the state, and believe the state. Sure, they may criticize the state because it permits abortion, but they generally

fail to discern the state's true nature, as Richard Ebeling has correctly described it: "There has been no greater threat to life, liberty, and property throughout the ages than government. Even the most violent and brutal private individuals have been able to inflict only a mere fraction of the harm and destruction that have been caused by the use of power by political authorities" (*The Freeman*, Jan.-Feb. 2005).

The fifth and final reason is just plain biblical ignorance. The spirit of New Testament Christianity can be seen in two statements by the great economist Ludwig von Mises:

A free man must be able to endure it when his fellow men act and live otherwise than he considers proper. He must free himself from the habit, just as soon as something does not please him, of calling for the police. (*"Liberalism,"* 1927)

He who wants to reform his countrymen must take recourse to persuasion. This alone is the democratic way of bringing about changes. If a man fails in his endeavors to convince other people of the soundness of his ideas, he should blame his own disabilities. He should not ask for a law, that is, for compulsion and coercion by the police. (*"Bureaucracy,"* 1945)

That is the spirit of New Testament Christianity. It is a sad day for Christianity when a nonreligious Jew like Mises has a better grasp on Christian principles than the average Christian in the pew.

Yours for better Christian thinking,

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