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## God in the Courtroom

by C. Stephen Evans

*A young man who wishes to remain a sound Atheist cannot be too careful of his reading. There are traps everywhere—”Bibles laid open, millions of surprises,” as Herbert says, “fine nets and stratagems.” God is, if I might say it, very unscrupulous.*

– C. S. Lewis, *Surprised by Joy*

As lovers of old fifties television shows know, Perry Mason always won every case he tried, sometimes against impossible odds. Does God need a Perry Mason in today’s world? Is he on trial? If so, who is the prosecutor and who is the defendant? What standards of proof and evidence are to be employed? And most important, who is the jury? Stay tuned as we consider one of the most interesting cases of all, the case of Christianity.

### How Much Proof Do We Need?

Religious commitments have a direct bearing on how we live, and so it is probably not possible—or even desirable—for us to think about religion in a purely neutral, objective manner. Nonetheless we can still think deeply and honestly about our commitments. If my very life is at stake, I should be specially concerned that my convictions be true.

Most philosophical discussions of religion revolve around the notion of “proof.” Many philosophers have put forward arguments as proofs of God’s existence, and many others have offered refutations of these proofs. Although some of the issues which are debated in this context are relevant to our purposes, a good deal of this discussion is not particularly helpful to us.

First of all, these philosophical discussions are often complicated, technical and hard to follow. All of this may be fine for professional philosophers, but it is of no help to ordinary people, even thoughtful, educated people. If God exists and has provided rational evidence as one way people can know about him, surely it would not require a Ph.D. in philosophy to understand this evidence.

Second, these philosophical discussions often concern only abstract, philosophical concepts of God. They talk about a God who doesn’t make contact with the faiths we live by. We want to know if there is a God who can be worshiped and who cares about us. Very few care about Aristotle’s Unmoved Mover. We want to consider the reasonableness of whole living faiths.

Finally, and most importantly, most philosophical discussions of the reasonableness of belief in God focus on one single argument. Critics have often taken advantage of this fact and employed a divide-and-conquer strategy. Thus a writer will first refute the “argument from design,” then the “moral argument,” and so on, concluding that, because none of the arguments is a successful proof, belief in God is unreasonable.

This procedure is objectionable in at least two ways. First, since the arguments are considered in isolation, there is no attention given to the possibility that the arguments might have great force if taken collectively. One bit of evidence against a criminal may not be enough to convict him. The same may be said of a second or third bit, or any number of bits, when taken in isolation. If each bit does have some force, however, then all of the bits taken together may be more than enough to convict the accused and send him off to prison.

The second objection to the typical philosophical critique of proofs of God’s existence is that the standard of proof involved is usually fantastically high. What constitutes a “proof” anyway? This question is none too easy to answer. Must an argument be universally accepted to be a proof? Accepted by all sane people who consider it? Frequently something like this standard seems to be presupposed in these discussions, for key points in particular arguments are alleged to be defective merely because they are disputed by some antireligious skeptics. Such a concept of proof seems impossibly high.

It also seems unfair, since this is not the standard of proof we require for nonreligious areas. Consider a court of law, for example. In a criminal case, to convict a person a jury needs enough evidence to regard the accused as guilty “beyond reasonable doubt,” not “beyond any *possible* doubt.” Jurors are not required to overcome the objections an ingenious philosopher might devise to show that it is logically possible that the accused is innocent. To find a person guilty, the jury merely has to overcome those objections which a “reasonable person” would regard as significant.

In a criminal case, since a guilty verdict may send a citizen to prison, it is appropriate to demand proof in this strong everyday sense which “excludes reasonable doubt.” In other types of cases, even less “proof” may be needed. In a civil damage suit over an airplane crash, it is not necessary to prove beyond any reasonable doubt that the crash was due to the airline’s negligence, but only that it seems highly likely or probable that was so “in the judgment of a prudent person.” The task in this sort of case is to make a judgment which is in accordance with “the preponderance of the evidence.” A “clear and convincing proof” in this context is defined in terms of “a high probability.” This seems to me to be the kind of “reasonable case” we ought to strive for in religious matters as well. We ought to strive to make a judgment which is in accord with “the preponderance of evidence” and which seems highly probable or plausible.

### **Is Religion Guilty until Proven Innocent?**

One might think that these legal analogies imply that where the stakes are greater, such as in a criminal trial which might send a person to prison, it is appropriate to demand greater

evidence. This principle is in general correct. Since the stakes religion poses are great indeed, potentially including eternal happiness, this would imply that the highest standard of proof should be adopted.

It is true, I think, that since religious faith is so significant, we ought to seek all the evidence we can and consider that evidence with great care and seriousness. However, at this point our legal analogies begin to fail us, because of the notion of “burden of proof.” In a criminal court proceeding, the accused person is assumed to be innocent until proved guilty. Hence the burden of proof clearly rests with the prosecution.

Many skeptics apparently think that the same goes for religion, except that the “burden of proof” is on religious believers. Religious belief is presumed to be not innocent, but guilty until proven otherwise. Unless we can prove God’s existence we must refrain from believing.

### Religion and the Loch Ness Monster

People who think like this imagine the religious situation to be something like the following: Suppose you are having an argument with someone over how many species of animals there are. Both of you agree that there are many species—cats, dogs, cows and so on. You, however, believe in one species which your opponent does not believe in, say the species of monsters residing in the Loch Ness. Your opponent claims that the burden of proof is on you if you want to believe in such monsters. Without strong *positive* evidence you would do better to refrain from believing in the Loch Ness monster.

Perhaps in this situation the burden of proof would be on you to come up with evidence for your belief. Perhaps if that evidence is less than conclusive it would be wiser to suspend or withhold judgment. After all, we don’t usually believe in monsters if we have no evidence of their reality. But belief in God is not at all comparable to belief in such a monster.

One important difference is that the Loch Ness monster is merely “one more thing.” The two people who disagree about the monster agree about all the other animals. God, however, is not merely “one more thing.” The person who believes in God and the person who does not believe in God do not merely disagree about God. *They disagree about the very character of the universe.* The believer is convinced that each and every thing exists because of God and God’s creative activity. The unbeliever is convinced that natural objects exist “on their own,” without any ultimate reason or purpose for being. In this situation there are no neutral “safe” facts all parties are agreed on, with one party believing some additional “risky facts.” Rather, each side puts forward a certain set of facts and denies its opponents’ alleged facts. There is risk on both sides.

A second important difference between the case of God and the case of the Loch Ness monster is that which we pointed out earlier—religious beliefs imply something fundamental about how life should be lived. Insofar as religious beliefs embody themselves in actions, suspending judgment is not possible. Even if it were possible to

suspend judgment intellectually, it would by no means enable a person to avoid risk. It is clear that the faith of the religious believer and the faith of the atheist are equally risky. It is hard to see why any special burden of proof falls on the religious believer.

### **You Are the Jury**

Rational inquiry into religious faith should not, therefore, be viewed as a case in which faith is assumed guilty until proven innocent. There are several important respects, however, in which such inquiry does resemble a legal case. One is simply that the judgment one makes will depend on the total evidence available. Trying to look for a single isolated argument on either side to serve as a “proof” is therefore a mistake. Rather, each side here will present a range of facts, drawn from many areas of human experience, to show that the “preponderance of evidence” is on its side. Meanwhile, each side will try to show that the facts which the other side puts forward do not really prove the other side’s case or damage its own. Rather, each party in the dispute tries to show how those facts can be interpreted so as to support or at least fit one’s own case.

It is clear, I think, that such a debate can never be settled in a mechanical fashion by simply adding up “points scored.” To a large extent how a person evaluates the evidence will be a matter of proper interpretation and good judgment. But this is also true of legal cases. We are not yet to the stage (and hopefully never will be) where legal cases can be decided by computers. Jurors and judges make many decisions for which no formal rules can be given. If they are honest, reasonable people of good sense and judgment, they will make those decisions well. In the area of religious faith, each of us is our own juror. We should strive to make similarly wise judgments.

### **A Look Back and a Look Ahead**

My principal conclusion in this chapter is simply that the case for or against religious faith is in several important ways analogous to the kinds of cases employed in legal trials. Let me try to list some of the most significant parallels:

1. Good evidence for religious faith will not be the absolute proof which some philosophers have looked for, but will be evidence which is sufficient to satisfy a reasonable person.
2. The case for religious faith will not be based on a single argument functioning as a proof, but upon the total evidence available from every region of human experience.
3. Religious faith is not guilty until proven innocent. No special burden of proof rests on the religious believer, since opponents of religious belief are committed to world views which are equally risky.

4. The evidence for religious faith cannot be evaluated in a mechanical fashion, but must be sensitively interpreted by each of us, who must ultimately take responsibility for being our own juror.

. . . . One final word of caution may be in order. (This will be of more interest to Christians than others.) Many Christians insist that in the final analysis people are moved to faith by the Spirit of God, not by human argument. I think the positive part of this assertion is correct, and I have already agreed that many people are brought to faith by nonrational factors. Such a faith is by no means necessarily defective or inferior. The Spirit of God may, however, use intellectual argument as one means of drawing us to faith. At the very least, a reasonable case for faith can remove barriers to the work of God's Spirit. Moreover, Christian faith demands honesty and a sincere commitment to truth. Even those drawn to faith by nonrational factors may want, precisely because of their faith, to see whether that faith can stand up to the test of reflection. None of us, however, should think that an intellectual understanding of faith can be a substitute for faith itself.