

The Consequences of Ideas
Lesson 15: The Laws of Nature and of Nature's God:
The True Foundation of American Law

I. Introduction

- a. In order to understand the American ideas of law we must go back to the sources and **foundations** of law articulated by the framers of the Constitution.
- b. The first premise of any law requires some being to make judgments about what the rule of law is and what that law commands. Therefore, to establish law, some moral **standard** is implied.
- c. The American legal principles of equality, rights of the governed and government by consent, are clearly derived from the moral standard of **God's law**.
- d. The framers refer to the laws of God as the **laws of nature and of nature's God**. It is this reference that one finds expressed in the Declaration's text and the Constitution's clauses.
- e. The decision to rely upon God's law of creation was not a superficial one, but it was **debated** for many years before and after the Declaration was drafted.

II. The Laws of Nature and of Nature's God

- a. The first paragraph of the Declaration of Independence sets the stage for the American Revolution and its indispensable reliance on the laws of God, the **Creator**. It declares: *When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with one another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.*
- b. The phrase "Laws of Nature and of Nature's God" referred to the laws that God in his **capacity** as the Creator of the universe had established for the governance of people, nations and nature.
- c. By invoking the "Laws of Nature and of Nature's God" the 56 signers of the Declaration asserted a legal basis for the principle of **freedom** that they sought.
- d. The theory of freedom adopted was simply that God's law was supreme and it gave freedom. What God gave, no man could take away. This basic right to freedom is therefore **inalienable**.
- e. The Founders thought that this body of law could be ascertained by people in three ways: through an examination of God's creation, the text of the Bible, and to a certain degree, by the application of **reason**.

III. God's Law

- a. By reasoning through the Biblical text the framers of our Constitution understood that as a nation, following the law of God was an expression of **common sense**. Thomas Jefferson wrote: *"not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject."*
- b. The framers understood that the Bible is absolutely clear on the subject of the **supremacy** of God and his law. It indicates that there is no God except the Lord God. *Isa 45:22 Look unto me, and be ye saved, all the ends of the earth: for I am God, and there is none else. KJV.*
- c. God is the God of **creation** and He is the Creator of all things visible and invisible. *Gen 1:1 In the beginning God created the Heaven and the earth. KJV*
- d. God impressed his laws upon creation and he **governs** its operation accordingly. *Ps 19:1-3 The heavens declare the glory of God; and the firmament sheweth his handywork. Day unto day uttereth speech, and night unto night sheweth knowledge. There is no speech nor language, where their voice is not heard. KJV*
- e. God gave his law so that people would **seek** after God and know what God requires of every person. *Acts 17:27 That they should seek the Lord, if haply they might feel after him, and find him, though he be not far from every one of us: KJV*
- f. God's rules apply over the entire globe and are **written** in God's creation because God is the Creator and Judge of all the earth. *Gen 18:25 Shall not the Judge of all the earth do right? KJV*
- g. These rules apply to all people and are written **within** each man, woman and child because God is the Creator of all people. *Rom 2:14-15 (Indeed, when Gentiles, who do not have the law, do by nature things required by the law, they are a law for themselves, even though they do not have the law, since they show that the requirements of the law are written on their hearts, NIV*
- h. The implications of this situation are straightforward. Since God created all things, he also has the **right** to rule them according to his laws. *Ps 24:1 The earth is the LORD 's, and the fulness thereof; the world, and they that dwell therein. KJV*
- i. He rules the nations according to his laws **irrespective** of whether a given nation believes in God or recognizes his laws. *1 Chron 29:11 Thine, O LORD , is the greatness, and the power, and the glory, and the victory, and the majesty: for all that is in the heaven and in the earth is thine; thine is the kingdom, O LORD , and thou art exalted as head above all. KJV*

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IV. Binding Legal Nature of God's Law

- a. The substance of the law of God can be misunderstood and historically has been twisted by priest and pagan alike. There is no **infallible** Oracle to say which interpretation of God's law is authentic.
- b. There is, however, evidence which provides a sufficient indication of the general requirements and prohibitions of God's law. Three **expressions** provide reliable standards of right and wrong:
 1. The first expression of law is God's physical creation - the **universe**.
 2. A second expression resides within all people, namely, **conscience** and reason.
 3. A third expression of God's law is found in His written revelation, the **Bible**.
- c. The law of nature asserts that it is self-evident that an **evil** act is one that is immoral in its nature and injurious in its consequences, whether or not it is punished by the law of the state.
- d. Murder and larceny for example do not require a law prohibiting them they are matters of **common law**; without the denouncement of a statute, they are evil on their face.
- e. Another class of offense is that which is wrong because it is **prohibited**. This is an act which is not inherently immoral, like driving fast. This is an act involving an illegality resulting from positive law.
- f. Thus, laws which punish an act that is inherently evil must be **supported** by the law of nature. Acts which are merely wrong because they are prohibited are not inherently evil.
- g. The civil laws of nations are only written in their own law books. Consequently, the **validity** and force of such laws are based solely on national authority.
- h. The framers believed that civil laws, to be authoritative, must be supported by the testimony of another source and must be consistent with God's delegation of **authority** to civil governments.
- i. They also believed that in order for the laws of a nation to be valid, they must harmonize with, and not **contradict**, the law of God. We know the law of God by looking to its three expressions.
- j. They reasoned that a minimum standard is that laws not contradict the most universal expression of the law of God in creation - the **law of nature**. The heavens and the earth declare that law.
- k. Thus we may deduce a rule to guide us: only when civil law does not contradict this fundamental and universal expression of the law of God can it be recognized as **prima facie** valid.
- l. Historically, this minimum standard has been recognized in the legal maxim, "*the law regards the order of nature*". A law which fails this initial test is of no **binding** legal effect.

V. The Link to English Common Law

- a. Sir William **Blackstone**, the preeminent English legal authority widely followed by the American founders, recognized the binding legal nature of the law of God as understood in its basic principles.
- b. Blackstone maintained that English law (and therefore, American law) had its **roots** in the laws of God.
- c. He identified the essential *legal* relationship that exists between God and his creation by observing, "*Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being.*"
- d. Recognizing the relevance of the creation and the Bible, Blackstone noted that "*[u]pon these two foundations, the law of nature and the law of revelation, depend all human laws.*"
- e. Moreover, Blackstone reasoned that this law is absolute: any law of man to the contrary of God's is of **no effect**.
- f. The framers of the American system of government were in **one accord** in "*presuppos[ing] the existence of a God, the moral ruler of the universe, and a rule of right and wrong, of just and unjust, binding upon man, preceding all institutions of human society and government.*"

VI. Application

- a. From this we see that it is an irrefutable claim that the founders of our Nation were in accord on the question of the existence of God and that His law was to be the guiding framework for the American legal system.
- b. While the American legal system is imperfect and presently being changed away from its Biblical foundation, the historical evidence of the founder's intent is settled.
- c. What is the likely effect of separating our legal system from its Biblical roots?
- d. What is the effect when you separate your own thinking and action from what you KNOW to be a Biblical point of view regarding a personal issue with which you struggle?