



LECTURE ONE

THE AMERICAN VIEW OF LAW AND GOVERNMENT

GENERAL OBJECTIVES

You should understand that there is a specific view of Law and Government which is distinctively American in nature. This is called “The American View,” and it is based on a Biblical Worldview.

SPECIFIC OBJECTIVES

- ☆ *Understand the presuppositions upon which “The American View” is based and be able to identify these presuppositions in the text of the Declaration of Independence.*
- ☆ *Understand the relevance of God and His Word to Law & Government by articulating the Biblical purpose of government.*
- ☆ *Distinguish The American/Biblical View from other views of law and government.*
- ☆ *Appreciate the basic principles of law, including Blackstone’s definitions of The Law of Nature, Revealed Law, and Municipal Law.*
- ☆ *Understand the definition of “Constitution”.*
- ☆ *Appreciate the importance of the study of history to the restoration and maintenance of lawful government.*

“Anyone who desires to be ignorant and free, desires what never was and never will be.”
–Thomas Jefferson¹

“My people are destroyed for lack of knowledge.”
–Hosea 4:6

¹ “Will We Be Ignorant or Free?” <https://www.theamericanview.com/will-we-be-free/>

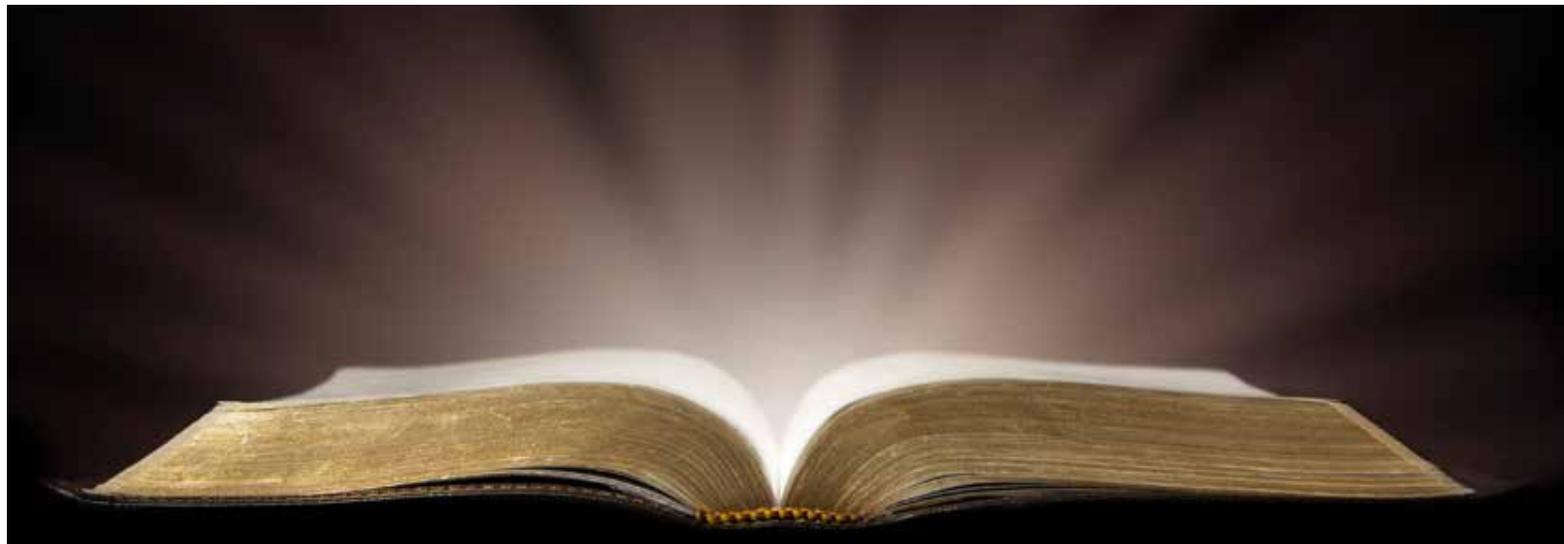
▶ **Lecture One:** The American View of Law and Government; follow along with the notes in the following section.

A. **PRESUPPOSITIONS:** These are the things which are accepted as true before any argument can commence.

General Presupposition	that truth exists and is absolute, objective and unchanging. <i>... We hold these truths to be self-evident...</i>
Specific Presuppositions	contained in The Declaration of Independence.
1. There is a GOD	<i>...that all men are created equal</i>
2. Rights come from Him	<i>...that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness;</i>
3. Purpose of civil government is to protect God-given rights	<i>...that to secure these rights governments are instituted among men...</i>
4. All civil government is derived through the consent of the people	<i>...deriving their just powers from the consent of the governed;</i>
5. Whenever any government becomes destructive of this purpose the people have a right and a duty to “alter or abolish” it.	<i>...that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it...</i>

This is the *American View of Law and Government*, which is based on a Biblical Worldview, and is an application of the Bible and God’s law to civil government and the body politic.





B. THE RELEVANCE OF GOD AND HIS WORD TO LAW AND GOVERNMENT

1. God exists.
2. He knows what is happening on earth.
3. He has moral convictions about what is happening on earth.
4. He communicates those convictions to us.
5. He communicates those convictions through the Bible.
6. Much of the Bible addresses law and government.
7. If we ignore what the Bible says about law and government, we are not preaching the whole counsel of God. (Acts 20:27)
8. Church leaders throughout history have addressed issues of civil government: Augustine, Aquinas, Luther, Calvin, Rutherford, our own Pilgrim and Puritan forbearers.
9. The refusal of many modern Christians to address issues of law and government is a modern heresy.

C. THE FUNCTIONS OF CIVIL GOVERNMENT: it is given the power of the sword (force) in order to:

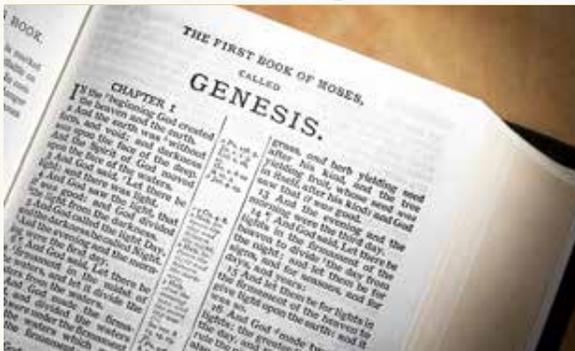
1. Restrain the exercise of sin (Romans 13:3-4) “For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to [execute] wrath upon him that doeth evil.”
2. Enforce God’s standard of right and wrong. (Romans 13:3-4)
3. Maintain order so Christians and others can practice right living (1 Timothy 2:2) “For kings, and [for] all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty.”

COMPARISON OF AMERICAN AND ALTERNATE VIEWS OF GOVERNMENT

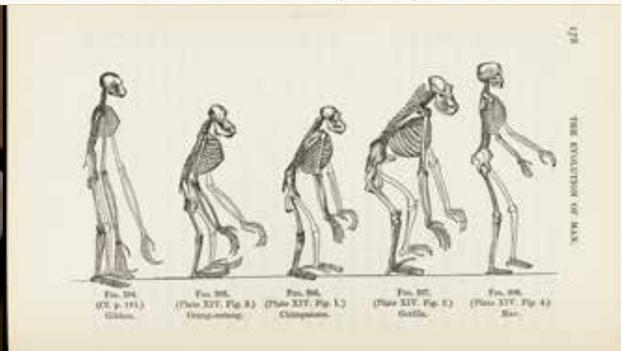
There are other views of government and its purpose that are not Biblical: Socialist View, Marxist View, Communist View. We can compare the views by contrasting their various attributes:

A. ELEMENTS OF BIBLICAL VS PAGAN

Biblical View of Government	Pagan View of Government
State is Divinely Ordained	State is Divine
State authority is Limited	State authority is unlimited
Leads to Patriotism	Leads to State Worship
Results in Republic	results in Tyranny



Based on Creation



Based on Evolution

B. AMERICA WAS FOUNDED ON THE BIBLICAL VIEW, but the Pagan View is in operation today, which is creating unrest and lawlessness. Some examples:

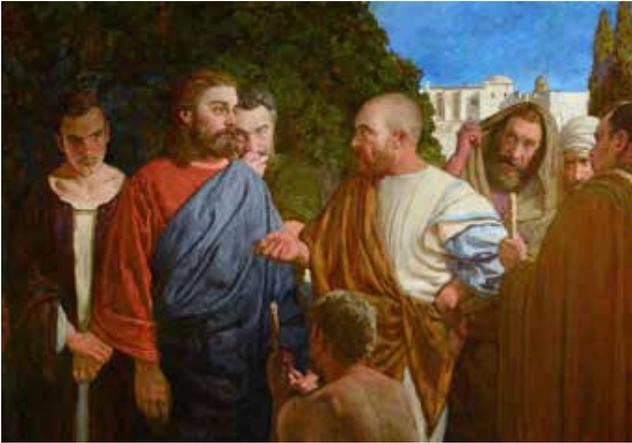
1. Unconstitutional Wars
2. Lawlessness in our cities with a bloated welfare system
3. The murder of 50 million of unborn babies in the United States

C. HISTORICAL FACTORS contributing to American cultural disconnect and dissension

1. Revolution in American thought – American institutions promote anti-American values and ideas. This topic will be explored in greater depth later in this study.
2. False understanding of Separation of Church and State¹ (For additional information, see IOTC's video Separation of Church & State: The Truth and The Lie by Michael Peroutka's June 2016 video)
3. U.S. Supreme Court case Engel v. Vitale, 370 U.S. 421 (1962)²
4. Many attribute it to the failure of American churches. No longer independent. (See 501c(3) Pastor David Whitney video.)

¹ (For additional information, see IOTC's video Separation of Church & State: The Truth and The Lie by Michael Peroutka's June 2016 video)

² <https://www.law.cornell.edu/supremecourt/text/370/421>



“...when Christ said, ‘Render unto Caesar the things that are Caesar’s and unto God the things that are God’s,’ He gave to the State a legitimacy it had never before enjoyed, and set bounds to it that had never yet been acknowledged. And He not only delivered the precept, but He also forged the instrument to execute it. To limit the power of the State ceased to be the hope of patient, ineffectual philosophers and became the perpetual charge of a universal Church.” — Lord Acton in a speech delivered February 26, 1877³

BASIC PRINCIPLES OF LAW

- A. **OLD TESTAMENT** – Torah: to direct, to point out, to lead.
- B. **NEW TESTAMENT** – Nomos: commandment or assignment from higher authority.
- C. **LAW IS** – (Summarizing from Sir William Blackstone’s, *Commentaries on the Laws of England*, Volume I, Introduction, Section 43)

1. A rule of conduct.
2. Backed by force, not just custom
3. Based on higher moral authority.⁴

- D. **FORMS OF LAW** according to Sir William Blackstone’s *Commentaries on the Laws of England*.

“Man, considered as a creature, must necessarily be subject to the laws of his Creator... it is necessary that he should, in all points, conform to his Maker’s will. This will of his Maker is called the law of nature... This law of nature, dictated by God himself, is... superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; no human laws are of any validity if contrary to this.” [Emphasis added]⁵

1. Law of Nature – revealed by God through human reason and conscience. (Romans 2: 14-15) “For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which shew the work of the law written in their hearts, their conscience also bearing witness, and [their] thoughts the mean while accusing or else excusing one another;”
2. Revealed Law – which is found only in Scripture (e.g. Ten Commandments, Leviticus, Deuteronomy, etc.)
3. Municipal Law – man made, enacted by civil government, valid only if it conforms to Law of Nature and Revealed Law.

- E. **NOT REVOLUTIONARY** ... but restorative.

³ NEED SOURCE

⁴ (Summarized from Sir William Blackstone’s, *Commentaries on the Laws of England*, Volume I, Introduction, Section 43)

⁵ NEED SOURCE DETAILS

WHAT IS A CONSTITUTION

A. *BLACK'S LAW DICTIONARY*, 4TH EDITION:

“The organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers.”

1. Every Organization has one.
2. Can be written or unwritten.
3. More general, basic, and foundational than statutory law.

B. NATURE OF THE U. S. CONSTITUTION:

1. Document of Omission. Limits government, not the people.
2. Tenth Amendment as STOP sign!

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

THE ROLE OF HISTORY

- A. **“Mall directory”** illustration - Professor Chris Schlect said, “History is like a mall map that gives contextual meaning to the little red arrow that says, ‘You are here.’” disconnect and dissension
- B. History shows **God’s Sovereign** and providential plan for the United States.
- C. History helps us appreciate our constitutional **heritage**.
- D. History shows us how various forms of government have **worked** or not worked.
- E. History helps us understand the **meaning and intent** of those who drafted the Constitution.
- F. History shows how the Constitution has been **interpreted and applied** since it was written and adopted.
- G. History alerts us to **dangers** facing our constitutional republic today.



SHOULD CHRISTIANS BE INVOLVED IN POLITICS? ©Ricki Pepin 2016

A Politician's response:

Today, a very little publicized historical fact is that President James A. Garfield was a Christian Minister. He said:
 "Now, more than ever before, the people are responsible for the character of their Congress. If that body be ignorant, reckless, and corrupt, it is because the people tolerate ignorance, recklessness and corruption. If it be intelligent, brave and pure, it is because the people demand these high qualities to represent them in the national legislature... If the next centennial does not find us a great nation... it will be because those who represent the enterprise, the culture and the morality of the nation do not aid in controlling the political forces."

A Theologian's Response:

Charles Finney was arguably the greatest preacher during the Great Awakening, a time of incredible spiritual revival during America's founding period. He said:
 "The time has come that Christians must vote for honest men and take consistent ground in politics... God cannot sustain this free and blessed country which we love and pray for unless the Church will take right ground... God will bless or curse this nation according to the course Christians take [in politics]."⁶

Politics: the science of government; that part of ethics which consists in the regulation and government of a nation or state for the preservation of its safety, peace and prosperity... also for the protection of its citizens in their rights, with the preservation and improvement of their morals.⁷ (Webster's 1828 Dictionary)



Who is better equipped to "preserve and improve morals"?
 Christians with a Biblical worldview or non-Christians?
 ♦ Therefore, who should be involved in politics?



Edward Everett Hale	John Quincy Adams	John Adams	George Washington
<i>I am only one, but I am one. I can't do everything, but I can do something. What I can do, that I ought to do. And what I ought to do, by the grace of God, I shall do.</i> ⁸	<i>Duty is ours. Results are God's.</i> ⁹	<i>Statesmen may plan and speculate for liberty, but it is religion and morality alone which can establish the principles upon which freedom can securely stand.</i>	<i>It is impossible to rightly govern the world without God and the Bible.</i> ¹⁰

6 Finney, C. (1868). Lectures on Revivals of Religion. New York: Fleming H. Revell Company, p.281. <https://archive.org/details/lecturesonreviva00finn/page/280>
 7 <http://webstersdictionary1828.com/Dictionary/politics>
 8 Popularly attributed to Edward Everett Hale. NEED SOURCE - Another variant attributed to him is: I am only one, but still I am one. I cannot do everything, but still I can do something; and because I cannot do everything, I will not refuse to do something I can do. https://en.wikiquote.org/wiki/Edward_Everett_Hale
 9 NEED SOURCE
 10 NEED SOURCE



THE FOUNDATIONS AND PURPOSE OF AMERICAN GOVERNMENT & LAW IN THE WORDS OF THE FOUNDERS

Read the excerpts from the following historical documents:

Mayflower Compact – “Having undertaken [this voyage] for the glory of God, and advancement of the Christian Faith...”¹¹

Note: This was a government document, not a church document, declaring the purpose for which America was founded.

Declaration of Independence – “We hold these truths to be self-evident, that all men are created equal...”¹²

Note: This statement pre-supposes a God who created men. It is made in a foundational government document, not a church document.

Declaration of Independence – “...that [men] are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men...”¹³

Note: The Founder’s declaration of the purpose of government – protection of God-given rights, not provision of goods and/or services.

Declaration of Independence – “When...it becomes necessary to dissolve the political bands which have connected them with another, and the assume among the powers of the earth, [in other words to rule or govern themselves] the separate and equal station to which the Laws of Nature and Nature’s God entitle them...”¹⁴

Laws of Nature’s God

...the moral law...contained in the...10 Commandments written by the finger of God.”¹⁵ (*Webster’s 1828 Dictionary*)

Laws of Nature

“A rule of conduct arising out of the natural relations of human beings established by the Creator, and existing prior to any positive [written] precept. Thus, it is a law of nature that one man should not injure another, and murder and fraud would be crimes independent of any [written] prohibition from the supreme power.”¹⁶ (*Webster’s 1828 Dictionary*)

Paraphrase and simplified: The Laws of Nature are intuitively and instinctively known to man. They do not have to be written out. They are in your God-given conscience.

The Laws of Nature and Nature’s God, according to the Founders, are the foundation for all law in America. All Laws, Executive Orders or Supreme Court decisions are valid only if they conform to the Laws of Nature and Nature’s God. Any laws, orders or rulings made outside the boundaries of the Laws of Nature and Nature’s God are not real, legitimate, enforceable or legally binding. Check it out with the words of the Founders:

11 Bowman, G. (1920). *The Mayflower compact and its signers: with facsimiles and a list of the Mayflower passengers*. Boston, MA: Massachusetts Society of Mayflower Descendants, p. 6.

12 The Library of Congress holds a number of artifacts related to this historic document, including the “original Rough draught” showing edits from the initial text to the final text; <http://www.loc.gov/exhibits/treasures/tr00.html#obj1>

13 Ibid

14 You can read a transcription of the full text of the Declaration of Independence at the National Archives website; <https://www.archives.gov/founding-docs/declaration-transcript>

15 Note the dictionary definition 8 for “law”; <http://webstersdictionary1828.com/Dictionary/Law>.

16 Note the dictionary definition 3 (and 17) for “law”; <http://webstersdictionary1828.com/Dictionary/Law>.



Declaration of Independence

Grievance # 13 – “He [the king] has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended legislation.”¹⁷

Grievance #19 – “For transporting us beyond Seas to be tried for pretended offenses.” Question: What does “pretend” mean? – The Founders declared any laws outside the Laws of Nature and Nature’s God to be “pretend:” not real but make-believe; not legal or enforceable.



LECTURE ONE

OPTIONAL READING ASSIGNMENTS

1. *The Law* by Frederick Bastiat (text in Student Manual; pages 239-269). French Statesman article written in 1850, beautifully stating republican government principles and comparing them to the woes of Socialism. Optional weekly assignments will be given until it is finished.

Lecture 1: Start at “The Law” and read to “The Complete Perversion of the Law” (Pages 239-240).

2. “How Tyranny Came to America,” (Pages 229-238 in the back of this book.)

LECTURE REVIEWS

1. Complete Lecture One Review Worksheet.
2. Complete the worksheet questions on “How Tyranny Came to America” (optional).
3. Complete Lecture One Quiz, including True & False Questions.

GOING DEEPER: SUPPLEMENTAL READING & VIDEO OPTIONS



Found at www.theamericanview.com/constitution-course-supplemental-assignments which can also be found at the bottom of TheAmericanView.com under Resources.

“Separation of Church & State: The Truth and The Lie” (DVD) by Michael A. Peroutka. This video gives the student a grounding in understanding the four God-ordained governments and the essential boundaries God has placed on each of those four governments.

¹⁷ <https://www.archives.gov/founding-docs/declaration-transcript>