



# LAW

## Lesson 1: Overview

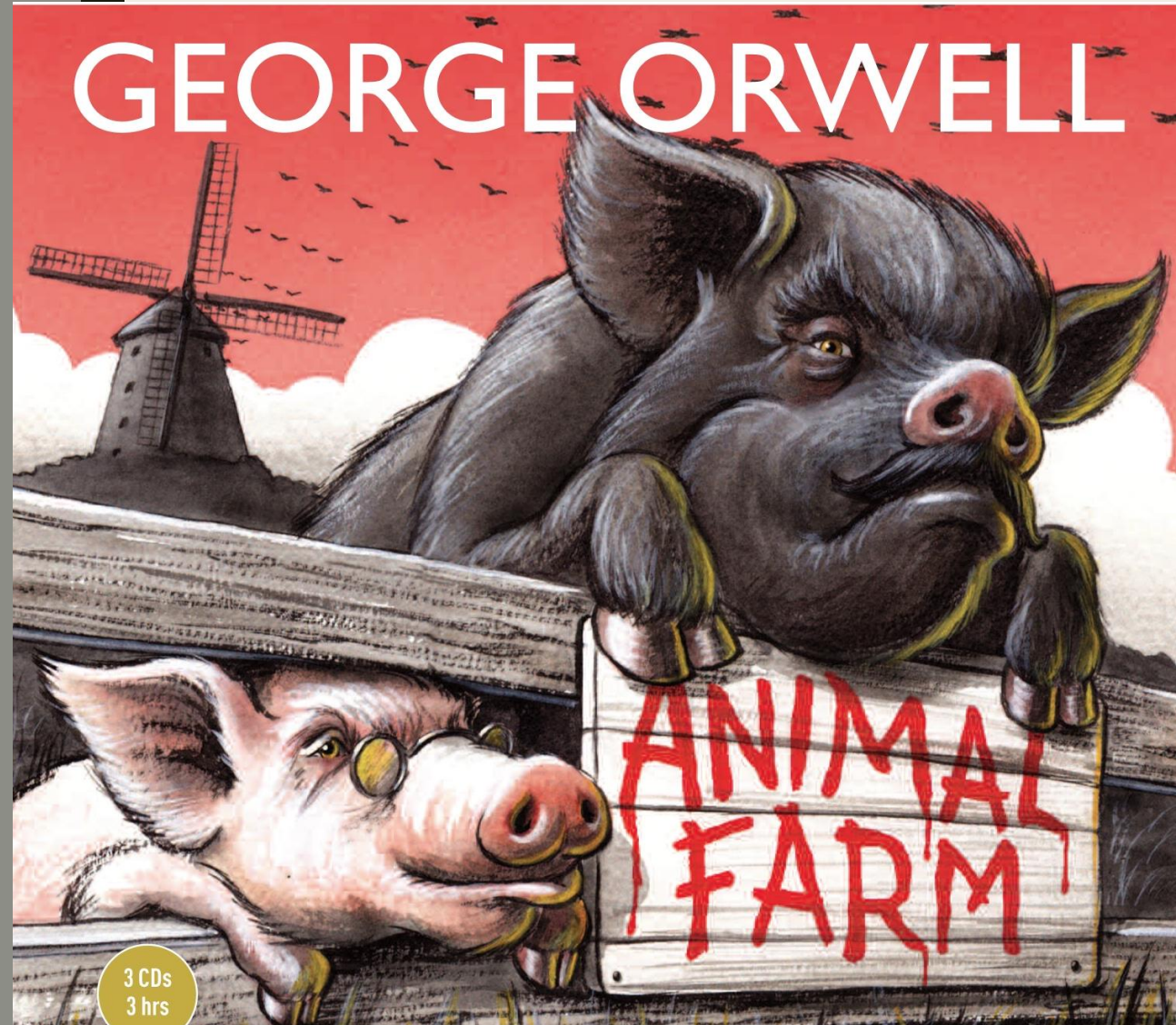


# Beginning work: (read pg. 340-341)

- Define order in one sentence
- Define justice in one sentence
- Answer the question, “What does it mean to have an orderly and just government?” (Write at least one paragraph)

# Animal Farm

A dream of  
freedom for all  
turns into less  
freedom than  
before!



# Law (*legum*)

- “We are slaves of the law so that we may be free” -Cicero
- The study of law revolves around the question, “What constitutes orderly and just government?”
- It is a human paradox that to be free we must abide by laws that constrain our freedom.
- A society’s measured pursuit of just laws is one of the primary factors that determine its level of thriving.

# God: Transcendent and Immanent

- Because God is beyond us (transcendent) His character forms the definition of all that is good.
- Because God is with us (immanent) His law applies to all people in all places at all times.

# What is Order?

- Order is the administrative aspect of the law that seeks to bring safety and efficiency to our society
- What are some examples of government designed to provide safety and efficiency?





# What is Justice?

- Enforcing laws in such a way that focuses on reasonable, proper, fair, and equal rules for all
- To provide justice, we must consider “What is legal?” vs. “What is right?”





## Lesson 2: Natural and Positive Law

# LAW



# Beginning work: (read Romans 1:21-25)

- What kind of actions did those who knew God but did not glorify him do?
- What were the consequences of their actions?
- What did they exchange?
- What do you think it means that “their thinking became nonsense”?

# Natural Law

- “Men cannot make principles, he can only discover them.” -Thomas Paine
- “Our political way of life is by the laws of nature, of nature’s God, and presupposes the existence of God, the moral ruler of the universe; a rule of right and wrong, of just and unjust, binding upon men, preceding all institutions of government.” - Alexander Hamilton

# Natural Law

- Law should be based on an internal morality which all men possess.
- Law is discovered
- Jeremiah 31:33 *“Instead, this is the covenant I will make with the house of Israel after those days” the Lord’s declaration- “I will put my teaching within them and write it on their hearts. I will be their God and they will be my people.”*

# Legal Positivism (Positive Law)

- Law is what those who have authority agree to do
- Law is made
- There is no inherent connection made between law and morality





## Nuremberg Trials

- The question of legal positivism was answered definitively at Nuremberg.



## Lesson 3: Christian View of Law

# LAW



## Beginning work: (copy the below quote into your notes)

- No society can exist unless the laws are respected to a certain degree. The safest way to make laws respected is to make them respectable. When law and morality contradict each other; the citizen has the cruel alternative of either losing the moral sense or losing his respect for the law. The two evils are of equal consequence, and it would be difficult for a person to choose between them. The nature of the law is to maintain justice.

## Beginning work: (copy the below quote into your notes)

- This is so much the case that, in the minds of the people, law and justice are one and the same thing. There is in all of us a strong disposition to believe that anything lawful is also legitimate. This belief is so widespread that many persons have erroneously held that things are “just” because the law makes them so. -Frederic Bastiat “The Law” 1850

# An understanding of natural law

- Might is not right
- Majorities can be tyrannical and unjust
- Principles of justice and natural rights enable us to evaluate justice or injustice
- Justice is universal and unchanging, always the same everywhere and at all times



# An understanding of Natural Law

- Positive law is obeyed because of force and fear of punishment
- Natural law is obeyed by virtue of authority that comes with recognizing just conduct
- Acts are wrong in themselves whether or not they are prohibited by positive, man-made laws

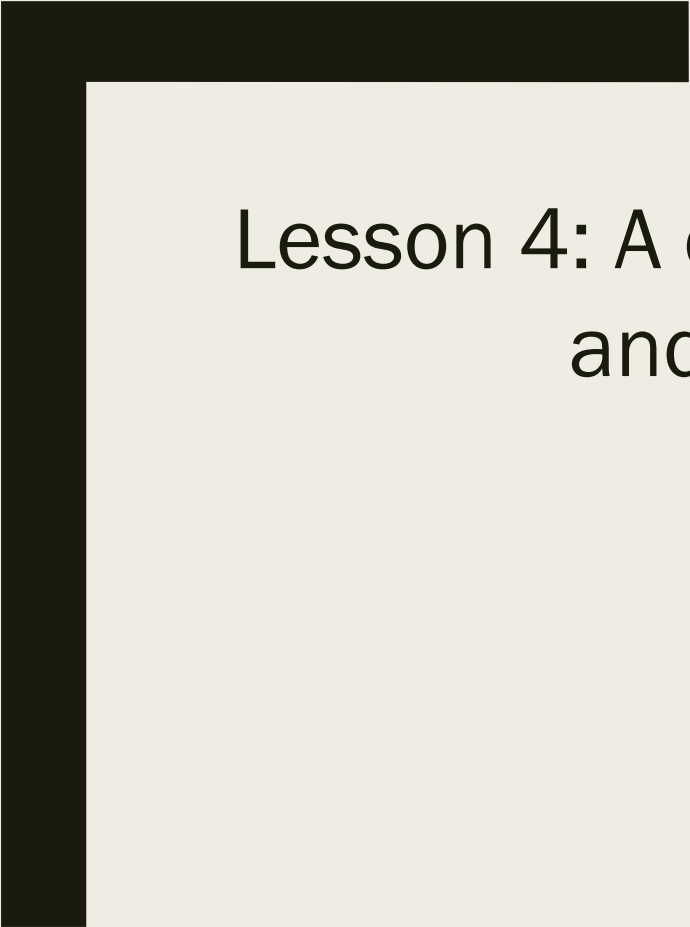


## Nuremberg Trials

- One great lesson the world learns from the trials is that positive law cannot provide the logical or moral basis for the protection of human rights.

# Christianity and natural law

- Christians believe that God gave us divine laws and the means of discovering them.
- Only a perfect Creator has the right to impose law upon His creation



## Lesson 4: A comparison of natural and positive law

**LAW**



A diagram illustrating the relationship between the Creator and Natural law. At the top, the word "Creator" is enclosed in a gray oval. A large, thick gray arrow points vertically downwards from the oval to a gray rectangular box at the bottom labeled "Natural law". To the left of the arrow, the word "Absolute" is positioned above the phrase "Discovered by human reason". To the right of the arrow, the phrase "Eternal reason and law" is positioned above the phrase "Intrinsic value of human life". Below the "Natural law" box, the text "Recognizes the value of human life" is written.

# Creator

Absolute

Eternal reason  
and law

Discovered by  
human reason

Intrinsic value  
of human life

## Natural law

Recognizes the value of human life



Created

Temporal,  
relative

Subjective  
reason

Determined by  
human reason

extrinsic value  
of human life

Positive law

Does not recognizes the value of human life

# Important Terms:

- Relative: depending on other factors
- Absolute: is unchanging and does not depend on other factors

# Important Terms:

- Temporal: temporary, is only for a short time
- Eternal: Forever; at all times
- Extrinsic value: the value of something is based on other factors
- Intrinsic value: the value of something is based on the fact of the object

# Important Terms:

- Discovered: we find the law/ principle
- Determined: we decide what the law/ principle is



## Lesson 5: Secularism/ Positive Law

LAW



Read section 4 (pages 343-345) and answer the questions below:

- Write the quote by Ruth Bader Ginsburg on page 344.
- Why would Justice Ginsberg want a “better” Constitution?
- What is Olympianism?

# Secular View of Law

- Secularists believe morality to be both constructed by humans and subject to change.
- Because natural processes have selected humans as the most advanced species, Secularists trust themselves to create a just legal system because “we are the authors of our destiny....”
- The key understanding of secularist law is that it must be created to respond to where we think we are in our evolutionary process.

# Legal Positivism

- If laws and rights are not derived from the “Laws of Nature and Nature’s God”, where do they come from?
- The answer is legal positivism; law does not come from morality, but from whatever the order of things declares it to be.
- Law is what those in power choose to do.



# Utilitarianism

- One foundation for positive law is utilitarianism.
- “An action is morally right if it produces the greatest good for the greatest number of people.”
- If there is no Moral Lawgiver, there is no moral basis for our civil laws.

# Example of positive law



Oregon becomes the first state to legalize physician assisted death in 1997.

There are now 9 states that legalized physician assisted suicide.

# Assisted Suicide in the States

STATE LAWS AND LEGAL POLICY AS OF JUNE 12, 2019

9

Laws allowing PAS  
to take effect since 1997

11

New laws against  
assisted suicide  
(including PAS)  
since 1997

28

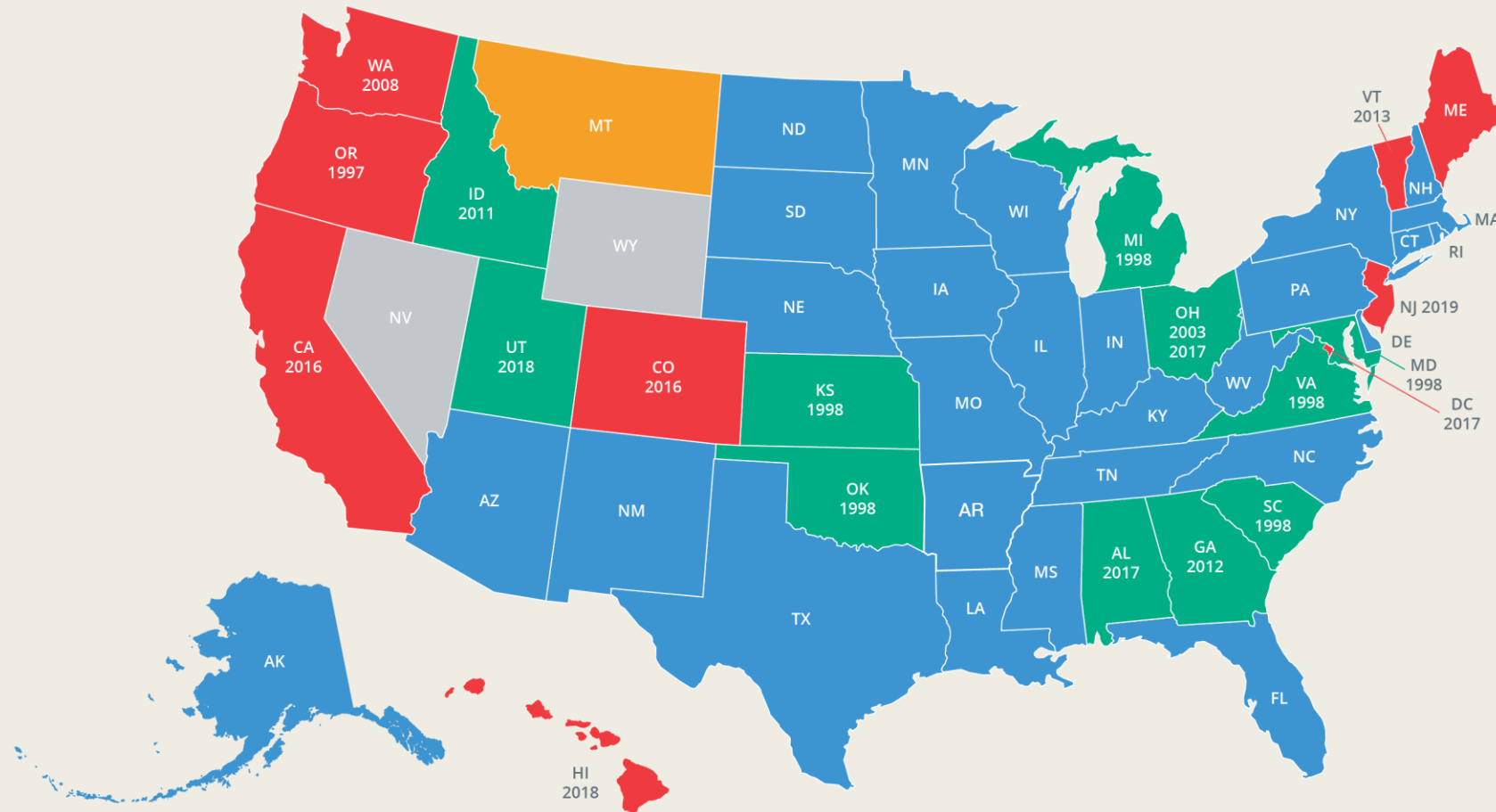
Pre-1997 bans on  
assisted suicide  
still in effect

1

Court decision  
that may allow PAS  
in practice

2

No clear policy  
by statute or  
common law



**Massachusetts, North Carolina, and West Virginia** have no specific statute, but do have a common law tradition allowing prosecution for aiding a suicide.

**Montana:** State Supreme Court ruling left older law in place, but said it does not apply to PAS when physician can show patient's consent.

Created

Temporal,  
relative

Subjective  
reason

Determined by  
human reason

extrinsic value  
of human life

Positive law

Does not recognizes the value of human life



## Lesson 6: Christianity/ Natural Law

LAW



Read Exodus 20:1-17. List the Ten Commandments given by God in these verses.

# Christian law in 6 basic precepts

- The source of all divine law is the character and nature of God
- The moral order comes from and reflects the character of God (His holiness, justice, truth, love, and mercy)
- We are created in God's image and we are significant; government was created to protect human life and dignity

# Christian law in 6 basic precepts

- We naturally are in rebellion against God. We must turn from our rebellion and have restraint and accountability
- God the Creator became God the Redeemer by becoming human
- God will judge the human race according to His standard of good and evil.



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graph TD; Creator([Creator]) --> NaturalLaw[Natural law];
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Creator

Absolute

Eternal reason  
and law

Discovered by  
human reason

Intrinsic value  
of human life

Natural law

Recognizes the value of human life

# Utopian society

- All worldviews except Christianity believe we can create a utopian society.
- However, Christians understand that because of our sin nature; utopia can only come in eternity when God creates a new heaven and new earth (Revelation 21:1-8)

# Revelation 21:1-8

- **21** Then I saw a new heaven and a new earth; for the first heaven and the first earth had passed away, and the sea was no more. <sup>2</sup> I also saw the holy city, the new Jerusalem, coming down out of heaven from God, prepared like a bride adorned for her husband.
- <sup>3</sup> Then I heard a loud voice from the throne:<sup>[a]</sup> Look, God's dwelling<sup>[b]</sup> is with humanity, and he will live with them. They will be his peoples,<sup>[c]</sup> and God himself will be with them and will be their God.<sup>[d]</sup> <sup>4</sup> He will wipe away every tear from their eyes. Death will be no more; grief, crying, and pain will be no more, because the previous things<sup>[e]</sup> have passed away.
- <sup>5</sup> Then the one seated on the throne said, "Look, I am making everything new." He also said, "Write, because these words<sup>[f]</sup> are faithful and true." <sup>6</sup> Then he said to me, "It is done! I am the Alpha and the Omega, the beginning and the end. I will freely give to the thirsty from the spring of the water of life. <sup>7</sup> The one who conquers will inherit these things, and I will be his God, and he will be my son. <sup>8</sup> But the cowards, faithless,<sup>[g]</sup> detestable, murderers, sexually immoral, sorcerers, idolaters, and all liars—their share will be in the lake that burns with fire and sulfur, which is the second death."

# Goals

- The goal of Christian law is not to force people to convert to Christianity but to stabilize society by making sure the innocent are protected and guilty are punished.