

Actually, most of the time the Bible speaks of *hope* it is in regards to some tangible thing. David spoke much of hope in God, but it was always for some physical protection, blessing or betterment. But when the false preachers say our only hope is in Jesus coming to rapture us away, they are actually saying that:

- There is no hope in overcoming evil.
- There is no hope in doing God's will on earth.
- There is no hope in having our God-given rights.
- There is no hope for us to better our lives or society, we have to wait for Jesus.

Basically, there is no hope under this religion of having rights of Life, Liberty and Property, all of which is essential for us to administer God's kingdom or will on earth. Since there is no hope on earth, we are in effect better off dead, and it is true, for if you don't have dominion over your Life, Liberty and Property, you might as well be dead. As Patrick Henry said: "*Give me liberty or give me death.*" God intended for us to have dominion over our Life, Liberty and Property, not a king, government, agency or the heathen about us.

CONFORMING TO THE LAW OF GOD

Throughout the legal history of the American colonies there was an obvious and continuous recognition and assertion of the law of God and the inherent rights derived from God. Colonial legislation is inundated with specific laws and declarations requiring the adherence to the laws of God as found in the Bible and nature. Governments were formed upon the law of God and hence could not act contrary to such law. The frequent claims of rights derived from God gave additional support to the authority of the Divine Law.

Many of the precepts that the early settlers added to our Common Law, that is, to the Law of the Land, were laws

that were based upon "the Law of God." In early America law was founded on a desire to move from the written enactments of Parliament to fixed standards of justice. That is to say, to a "higher law" which prescribes an unchanging mode of justice. This was a major theme in colonial America.

The concept of a law of nature, superior to written laws, embracing a body of moral principles recognized always and everywhere as binding, was by no means peculiar to the colonial acts. This natural law was considered as comprising the instincts of nature, often identified with the will of God, the *jus gentium* and the moral law of the Scriptures.³

Many early English legal scholars such as John Locke had a profound impact on American thought. Locke claimed that the "Word of God" as fundamental law which is to be utilized as "a rule of righteousness to influence our lives," and as a concrete means of "checking arbitrary government."⁴

In the great constitutional conflict of the seventeenth century both parties drew their arguments from the law of God and the law of nature. Upon these foundations they superimposed the structure of the common law. Thus, in 1604, the Speaker of the House of Commons declared:

Laws, whereby the ark of this government hath ever been steered, are of three kinds: the *1st*, the Common Law, grounded or drawn from the Laws of God, the Law of Reason, and the Law of Nature, and not mutable; the *2nd*, the positive Law, founded, changed, and altered by and through the occasions and policies of times; the *3rd*, Customs and Usages, practiced and allowed with time's approbation, without known beginnings."⁵

3 Richard B. Morris, *Studies in the History of American Law*, Philadelphia, J. M. Mitchell Co., 1959, 2nd Ed., p. 21.

4 J. N. Figgis, *The Divine Rights of Kings*, 2d edition (Cambridge, 1914), p. 311.

5 *Parliamentary History*, Vol. I, p. 1046. Cf also Coke, *Law Tracts*, 1746 edition, p. 224.

The broadest authority was bestowed upon the law of God and the law of reason by all political groups, accepting them as the fundamental law of the kingdom which no act of Parliament could contravene. There thus was a well recognized distinction between the immutable laws of God and the mutable acts of Parliament. The king would be obeyed so long as “the thing commanded be not against God’s word,” as stated in the *Leyden Agreement* of Virginia, 1618.

From the beginning of the colonies there was a feeling and practice of independence from English control, laws and supervision. In defense of its apparent non-English policy, the General Court of Massachusetts in 1646, declared:

And whereas . . . we have no laws . . . contrary to the law of God and of right reason, which the learned in those laws have anciently and still do hold forth as the fundamental basis of their laws.⁶

Displaying the inadequacy of the laws of Parliament, the General Court of Connecticut in 1665, decided that the colony should “resort to the word of God” in the absence of specific law.⁷ The common trend of 17th century American legislatures was to “follow traditional Elizabethan theory in writing laws to criminalize sin and encourage righteousness,” thereby having people conform to the dictates of God.⁸

It was but a logical step to assert, as was done in colonial America, that, “where the authority exercised by the executive or the legislature exceeds the bounds of the law of God, the acts of these bodies are *ipso facto* void.”⁹

6 John Winthrop, *History of New England*, edited by James Savage (Boston, 1853), vol. II, p. 352.

7 Richard B. Morris, *Studies in the History of American Law*, p. 19.

8 Stephen Botein, *Early American Law and Society*, New York: Alfred A. Knopf, 1983, p. 19.

9 Rev. Stephen Johnson, *Fast Day Sermon*, Dec. 1765; cited by Alice M. Baldwin, *The New England Clergy and the American Revolution*, p. 101.

Thus the acceptance of the law of God as the 'law of the land' established it as an immutable fundamental law which would forever limit and direct acts of government. The early Americans embraced that medieval concept, as supported by *Magna Carta*, that the fundamental law, which included the law of God, could merely be declared, but not changed, by statutory enactment.

The early Americans gave concrete application to the idea stated by Richard Hooker that "human laws must be made according to the general laws of nature, and without contradiction to any positive law of Scripture, otherwise they are ill made."¹⁰ The law of nature was closely associated with the Deuteronomic code; as John Davenport declared in 1669: "The Law of Nature is God's law."¹¹ It was no less certain that the Law of God was part of the Common Law.

In all aspects of law and government early Americans gave credence to the law of God; and to assure it was applied properly, the clergy was looked to for aid and guidance. Many colonial towns and providences followed the doctrine of reformers such as Cartwright and Knox who maintained that the ministers "should teach the magistrates how to exercise civil jurisdiction according to the Word of God."¹²

Many of the colonial founding fathers such as Thomas Hooker of Hartford believed that the practice of the early Hebrew Church "as directed by God," embodied "a perfect rule for the government of all men in all duties." Many similar statements from the early colonial fathers revealed their belief "that legal precepts found in the Old Testament might serve as general guidelines for colonial policy." In

10 Richard Hooker, *Of the Laws of Ecclesiastical Polity*, Book I, pp. 147-51.

11 *Mass. Election Sermon*, 1669, p. 4; cited by Alice M. Baldwin, *The New England Clergy and the American Revolution* (Durham, N.C., 1928), p. 15.

12 J. N. Figgis, *The Divine Rights of Kings*, 2d edition (Cambridge, 1914), pp. 190, 191.

Massachusetts, although “ministers could not act as public officials, they advised lawmakers from time to time and had a substantial say in the legal affairs of the colony.”¹³

A most notable example that early Americans believed that justice could be dispensed “according to the word of God,” was exhibited by the commonly enacted “Capital Laws” which prescribed the death penalty for offenses as prescribed in the Bible. The Old Testament thus provided the colonists with specific legal concepts and vocabulary upon which they could draw to achieve their mission of constructing a theocratic commonwealth.¹⁴

In the Plymouth colony, a rise in crime occurred some two decades after its founding. Governor William Bradford reported that in 1642 capital punishment was inflicted upon the perpetrators “according to ye law, Levit. 20:15.”¹⁵ Much of colonial law was marked by an attachment to Hebraic precepts. This reverence for biblical law led to its being held in the colonies as a pattern for legislation and a guide for judicial decisions. By this legal system the rights of Life, Liberty and Property were safe from government oppression.

At the bedrock of American law is the various colonial laws, constitutions, and charters — the fundamental and organic law of the land. These provide overwhelming proof that the *law of God* was the basis of the *Law of the Land*. This idea was made evident in the *Charter of New England* of 1620, in which the intent of government was for the people “to live together in the Fear and true Worship of Almighty God, Christian Peace, and civil Quietness, with each other, whereby every one may with more Safety, Pleasure, and Profit enjoy that whereunto they shall attain with great Pain and

13 Stephen Botein, *Early American Law and Society*, Knopf, 1983, p. 25.

14 Botein, *ibid.*, p. 26.

15 William Bradford, *History of Plymouth Plantation* (Boston, 1900) p. 474.

Peril.”¹⁶ Thus the aim of government, to provide for civil peace and enjoyment of individual rights, was best attained by having a godly government. For this to be so, the *Laws of God* needed to be the bedrock of that government.

In the *Government of New Haven Colony*, of 1643, the free burgesses in each town or plantation were to choose “fit and able men, from amongst themselves, being church members,” to be judges. The Courts of justice formed were to “proceed according to the scriptures, which is the rule of all righteous laws and sentences.”¹⁷ Such foundational principles and documents support the idea that law and government was to conform to the law and will of God, and not exist to the contrary.

COLONIAL MINISTERS ON LIBERTY

To better understand the theology that prevailed in colonial America, which aided the cause of freedom and independence, we will quote some Ministers of that time:¹⁸

- “Arbitrary and oppressive measures in the state would indeed dispirit the people and weaken the nerves of industry, and in their consequences lead to poverty and ruins.”

—Daniel Shute of Hingham, Mass., Election Sermon, 1768.

- “Unlimited submission and obedience is due to none but God alone. He has an absolute right to command; he alone has an uncontrollable sovereignty over us, because he alone is unchangeably good. He never will nor can require of us, consistent with his nature and attributes, anything which is not fit and reasonable. His commands are all just and good.”

—Rev. Samuel West of Dartmouth, Mass., Election Sermon, 1776.

16 F.N. Thorpe, *Federal and State Constitutions, Colonial Charters, and other Organic Laws*, vol. IV, Washington, 1909, p. 1833.

17 F.N. Thorpe, op. cit., p. 527-529.

18 Excerpts from *They Preached Liberty*, Liberty Press, Indianapolis.

- “God never gives men up to be slaves till they lose their national virtue, and abandon themselves to slavery.”
—Rev. Richard Salter of Mansfield, Conn., Election Sermon, 1768.
- “Civil government is absolutely necessary to public happiness. But without good laws and wholesome institutions, government cannot subsist. At least it can never answer those salutary purposes for which it was appointed.”
—Noah Welles of Stamford, Conn., Election Sermon, 1764.
- “The people, the collective body only, have a right, under God, to determine who shall exercise the trust for the common interest, and to fix the bounds of their authority. This is evidently the natural origin and state of all civil government, the sole end and design of which is, not to ennoble a few and enslave the multitude, but the public benefit and good of the people.”
—Samuel Cooke of Cambridge, Mass., Election Sermon, 1770.
- “While liberty is fruitful in trade, industry, wealth, learning, religion, and noblest virtue, all that is great and good and happy; slavery clogs every sublimer movement of the soul, prevents everything excellent, and introduces poverty, ignorance, vice and universal misery among a people.”
—Charles Turner of Duxbury, Mass., Election Sermon, 1773.
- “All men are naturally in a state of freedom, and have an equal claim to liberty. No one by nature, nor by any special grant from the great Lord of all, has any authority over another. All right, therefore, in any to rule over others, must originate from those they rule over, and be granted by them.”
—John Tucker of Newbury, Mass., Election Sermon, 1771.
- “Submission is due to all constitutional laws . . . Unlimited submission, however, is not due to government in a free state. There are certain boundaries beyond which submission cannot be justly required, nor is therefore due.”
—John Tucker of Newbury, Mass., Election Sermon, 1771.

- “The true patriot is one whose purse, as well as his heart, is open for the defense and support of his country.”
—Noah Wells of Stamford, Conn., General Assembly Sermon, 1764.
- “The consequences of an arbitrary tyrannical government are most distressing. When the will of the Prince is the law of the subject; when life, liberty, and property lie at the mercy of a Despot, —such an administration of government is like an inundation which carries all before it.”
—Moses Parsons of Newbury Falls, Mass., Election Sermon, 1772.
- “Where tyranny begins government ends.”
—Samuel West of Dartmouth, Mass., Election Sermon at Boston, 1776.
- “History affords no example of any nation, country, or people, long free, who did not take some care of themselves; and endeavor to guard and secure their own liberties. Power is of a grasping, encroaching nature, and operating according to mere will, whenever it meets with no balance, check, control, or opposition of any kind.”
—Jonathan Mayhew of Boston, Sermon, 1766.
- “All power is originally from God, and civil government his institution, and is designed to advance the happiness of his creatures. Civil power ought therefore ever to be employed agreeable to the nature and will of the supreme Sovereign and Guardian of all our rights.”
—Benjamin Stevens of Kittery, Mass., Election Sermon, 1761.
- “The true design of civil government is to protect men in the enjoyment of liberty.”
—Samuel West of Dartmouth, Mass., Election Sermon, 1776.
- “For men to stand fast in their liberty means, in general, resisting the attempts that are made against it, in the best and most effectual manner they can. When anyone’s liberty is attacked, he is first to try gentle methods for his safety.”
—Simeon Howard of Boston, Artillery Election Sermon, 1773.