



Candid Common Sense on Law, Morality, and the Nature of Man

Hard to find in this day and age is a bit of honesty and common sense about why we creatures dubbed “human” subject ourselves to law, and why it is that since time immemorial those laws have had a moral foundation.



Honest common sense answers came readily during the American founding era. For instance, Noah Webster’s 1828 dictionary offers this summary of the word “law”: “In general, law is a rule of action prescribed for the government of rational beings or moral agents, to which rule they are bound to yield obedience, in default of which they are exposed to punishment.”

This simple, clear-cut definition goes to the root of things about man and law. In essence, it says that man, unlike the rest of the animal kingdom, is a rational being — in other words, a moral agent. He knows right from wrong, and has the ability to either act or not act when presented with choices — either to the blessing or cursing of himself and others, or often without significant effect.

Not surprisingly, because man has the ability to reason, and he knows right from wrong, when he hears something such as the commonsense biblical teaching “Where much is given, much is required,” it rings true through and through. It makes sense to him that he and all mankind ought to be subject to laws which check or punish harmful actions, especially actions to others. Thus moral agency demands moral accountability, and moral accountability requires law. Man has always believed and practiced this.

This honest and reasonable line of thought regarding the nature of man is what the Founders and their forefathers knew to be the Law of Nature. Remember Jefferson’s reference in the Declaration of Independence to the Law of Nature? What did he mean by it? Again, Webster’s 1828 dictionary provides a sensible answer:

Law of Nature, is a rule of conduct arising out of natural relations of human beings established by the Creator, and existing prior to any positive 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 prohibitions from a supreme power [that is, from any earthly government].

Here, then, is one of the Higher Laws Jefferson referred to that give men inalienable rights, and which legitimate officials and governments must uphold to remain legitimate. That Higher Law was the moral law God implanted in man’s nature — in his mind and in his conscience.

The other half of that formula was the claim Jefferson made upon Nature’s God, or upon the laws God had given through revelation (he was actually quoting Locke on this). This revelation from God gave man a second, and more sure, witness of what was discoverable about the Law of Nature for him through reason. Thus reason and revelation testify of a Higher Moral Law to which governments have an obligation to mold their laws, and to which men have a right to appeal — even to the extent of revolting in order to obey when their government does not.

Pagans on Morality and the Law

Our American Christian forefathers are not the only ones who reached these common sense



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conclusions. Even pagan Rome's pre-Christian philosophers/statesmen such as the great Senator Cicero, understood it. Said he:

The animal which we call man, endowed with foresight and quick intelligence, complex, keen, possessing memory, full of reason and prudence, has been given a certain distinguishing status by the Supreme God, who created him; for he is the only one among so many different kinds and varieties of living beings who has a share in reason and thought, while all the rest are deprived of it. But what is more divine, I will not say in man only, but in all heaven and earth, than reason? And reason, when it is full grown and perfected, is rightly called wisdom. Therefore, since there is nothing better than reason, and it exists both in man and God, the first possession of man and God is reason. But those who have reason in common must also have right reason in common. And since right reason is Law, we must believe that men have Law also in common with the gods. Further, those who share Law must also share Justice; and those who share these are to be regarded as members of the same commonwealth. If indeed they obey the same authorities and powers, this is true in a far greater degree, but as a matter of fact they do obey this celestial system, the divine mind, and the God of transcendent power. Hence we must now conceive of this whole universe as one commonwealth which both gods and men are members." (Quoted in Ebenstein, *Great Political Thinkers*, 133)

Did any prophet of the Old Testament or the Gospel teachers of the New Testament ever say it better? Here was a "non-believer" who — having that Higher Law called Reason written in his heart (Romans 2:13-16), recognized who man was and what his general duties were to his fellow man.

Cicero understood that because men have "reason" in common ("a faculty of mind which enables the possessor to deduce inferences from facts or from propositions," Webster), then they must also have "right reason" in common (the other half of the definition of reason, or, "a faculty of the mind by which it distinguishes truth from falsehood, and good from evil"). And because that is true, then men must also have law in common with God, for right reason is law. In other words, law is based upon what men, in common with God, know as right and wrong.

It's really not that complicated. The moral nature of man requires that he be a creature of law. His God-given capacity to differentiate between right and wrong, and between good, better and best; along with his power to freely make choices; and finally his innate sense that with moral capacity comes moral accountability — all require that man's laws uphold the moral standard he believes to be true or best. The Founders universally endorsed, implemented, and upheld the Judeo-Christian ethic as best in their personal lives, their state and local laws, and in the establishment of the world's greatest and longest-living Constitution.

It ought to give us pause. For this is all about candid common sense — something this nation's leaders once possessed. In order for the survival of the government our Founders gave us — a legitimate one which protects our inalienable rights — we must again have leaders who possess candid common sense. Man, law, and morality — natural partners, then and now.

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