



Natural Law versus Positive Law

It was once an American credo that bad laws are made to be broken. But with the Republic's long slide past democracy into a police state, reverence for "the law," good or bad, now reigns. We might chalk that up to the draconian penalties awaiting violators: eight years in prison for lying to the FBI despite the agency's own inability to tell the truth; hundreds of dollars in fines for exceeding speed limits; execution for disembarking from an airline flight without permission. Such severe punishment will dissuade all but the bravest or craziest from flouting the rules.

Yet devotion to "the law" goes beyond that. Peruse the readers' comments on any website reporting that the Feds caught a businessman clinging to his money despite the IRS, and you'll find his fellow-citizens and -victims cursing him for "breaking the law." Immigrants who've exchanged unimaginable poverty and persecution for the unimaginably high taxes of the United States also merit hatred if they neglect to seek a bureaucrat's permission: they've "broken our laws." Caught with a few joints or some cocaine in your suitcase at the airport? A jury of your peers will likely vote to send you up the river because you "broke the law."

We might commend this fidelity were it to natural law. But it isn't. Instead, modern Americans kowtow to positive law while shrugging off myriad assaults on natural law every day. Their idolatry of manmade edicts mocks the American spirit — and Holy Scripture, too.

"We hold these truths to be self-evident," [Thomas Jefferson wrote](#) in a succinct paean to natural law, "that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." Natural law resides in our conscience; we instinctively know without any political or bureaucratic pronouncements that murder and theft — indeed, unprovoked aggression in general — are immoral. And conscience is as old as mankind: Cain went on the defensive immediately after killing Abel though the Ten Commandments enshrining natural law were centuries in the future.

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Those Commandments contain no exemptions, either. "[Thou shalt not murder](#)" is absolute, without the qualifying clause, "unless thou art a cop chasing a pothead, or a soldier invading Iraqi homes, or a politician declaring war on Afghanistan." Likewise, "Thou shalt not steal" applies to everyone, not just to those without government uniforms. Taking money from others by force is theft, whoever does the taking — even if it's the IRS.

Meanwhile, as it continuously violates natural law, government also legislates hundreds of thousands of rules — and woe betide anyone who treats this positive law as cavalierly as the State does natural law. Speed limits and seat-belt requirements; building codes; regulations for importing or exporting products as well as selling and buying domestically; diktats on recycling garbage; minute prescriptions on dealing with government officials, people of different races and backgrounds, or those with handicaps; extensive, complex, and often contradictory statutes on exactly how much of our money the government claims, depending on whether we earned it by working for someone or by investing it — [the State has encumbered virtually every aspect of life with positive law](#) in unprovoked aggression against us.

None of these laws are ones we can intuit: hence, the multi-volume tax codes, or the speed-limit and "Click it or ticket" signs that litter our roads. And all these rules are merely someone's opinion, whether a bureaucrat's, politician's, or special interest's, not fixed and immutable Commandments. [Some statistics indicate](#) that seat-belts protect drivers and their passengers; [other research shows the opposite](#). Politicians who want us to think they "care" ally themselves with seat-belt manufacturers to hype the former. But there's nothing inherently "wrong" with shunning seat-belts, unlike stealing or murdering.

You might think, then, that since we're not robbing or killing, the State would overlook infractions of its positive law. But no. Politicians and bureaucrats prize positive law — laws that codify their preferences and arrogant wisdom — far more than they do mere natural law. Indeed, the State frequently violates natural law while forcing us to comply with its opinions. People who refuse to buckle up face fines (one of government's euphemisms for "theft," along with "tax" and "permit"); if they resist this robbery fiercely enough, the ticketing cop may legally kill them. Ditto for people who add a room to their homes without a bureaucrat's permission, buy and sell drugs on which politicians frown, practice their profession without a license, etc.

Sadly, most Americans now side with the State against speeding drivers, home-improvers, drug connoisseurs, and other "criminals." As the government ruins lives to avenge breaches of its positive law, citizens cheer that the abused "got what they deserve." They praise rulers for punishing "law-breakers" even though said punishment violates natural law. These folks may pride themselves on being good Americans, but they are sorry excuses for Christians: Almighty God takes a very dim view of positive law, especially when men elevate it over natural law.

"Another time," [Mark tells us tells us in his Gospel](#), "[Jesus] went into the synagogue, and a man with a shriveled hand was there." So were some of the Pharisees. These ancient politicians and legislators had already chastised Christ for breaking their positive law regarding the Sabbath: passing through a cornfield on Saturday, Jesus' hungry disciples snacked on some of the corn, perforce "harvesting" it. And so "[the Pharisees said to him](#), 'Look, why are they doing what is unlawful on the Sabbath?'" In response, Christ epigrammatically denounced positive law: "The Sabbath was made for man, not man for the Sabbath."

Now those same politicians with their veneration for their own decrees rather than the Almighty's were



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lying in wait as Christ encountered a pitifully deformed man. “Some of them were looking for a reason to accuse Jesus, so they watched him closely to see if he would heal him on the Sabbath. Jesus said to the man with the shriveled hand, ‘Stand up in front of everyone.’

“Then Jesus asked them, ‘Which is lawful on the Sabbath: to do good or to do evil, to save life or to kill?’ But they remained silent.” Indeed, what could they say? That engorging their power, enforcing their opinions, outranked a man’s life and welfare?

Behold the divine reaction to their idolatry of positive law: Jesus “looked around at them in anger and, deeply distressed at their stubborn hearts, said to the man, ‘Stretch out your hand.’ He stretched it out, and his hand was completely restored.”

This dramatic miracle only inflamed the politicians’ fanaticism for positive law and their hatred for anyone who defied it and them: “Then the Pharisees went out and began to plot with the Herodians [a competing political party] how they might kill Jesus.”

The State never changes.

Becky Akers, an expert on the American Revolution, writes frequently about issues related to security and privacy. Her articles and columns have been published by *Lewrockwell.com*, *The Freeman*, *Military History Magazine*, *American History Magazine*, the *Christian Science Monitor*, the *New York Post*, and other publications.



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