

The Rule of Law¹

Because all people are sinners, a healthy society requires the rule of law. The Bible reveals a just God who built the universe on laws and who shows no partiality.² To prosper, societies must be built on the rule of law. The founding fathers understood this. President John Adams stated, “The very definition of a republic is ‘an empire of laws and not of men.’”³

Samuel Rutherford’s groundbreaking work *Lex Rex (The Law and the Prince)*, published in 1644, states that the law should be higher than anyone, including monarchs. From medieval times, nations practiced the “divine right of kings”: since God had granted governing power to the king, the king was above the law, subject only to God. He could establish any law and everyone except him was responsible to obey it. One can only imagine the resulting injustices and corruption.⁴ Rutherford’s *Lex Rex* reversed the “divine right” concept.

The founding fathers of the United States implemented the rule of law. A president or legislature must obey any law they make. Citizens are to abide by the civil law,⁵ but God’s universal moral law (exhibited in the Ten Commandments) is higher. If the state calls us to violate God’s law, resistance (civil disobedience) is not only allowed but required.⁶ The United States was born out of civil disobedience.

New England pastor Jonathan Mayhew, a graduate of Harvard, preached a sermon in 1750 that would represent the thinking of the American founders: “No civil rulers are to be obeyed when they enjoin things that are inconsistent with the commands of God: All such disobedience is lawful and glorious. . . . All commands running counter to the declared will of the supreme legislator of heaven and earth, are null and void: And therefore disobedience to them is a duty, not a crime.”⁷

¹ Excerpted from *Emancipating the World: A Christian Response To Militant Islam and Fundamentalist Atheism* by Darrow Miller, YWAM Publishing, 2012.

² Deut. 10:17; 2 Chron. 19:7; Job 34:19; Acts 10:34; Rom. 2:11; 1 Pet. 1:17.

³ John Adams, quoted in John Eidsmoe, *Christianity and the Constitution: The Faith of our Founding Fathers*, 4th ed. (Grand Rapids: Baker Books, 2002), 372.

⁴ When the Brazil legislature was established, one of its first acts was to exempt legislators from all laws! Thankfully, this exemption has since been eliminated.

⁵ Rom. 13:1–7.

⁶ Acts 5:25–29: Peter argues before the Sanhedrin that we are to serve God rather than people. Acts 17:6–9: Christians defy Caesar’s decree by saying Jesus is a king. Acts 17:11: Desire for truth leads to the questioning of religious authorities. Acts 19:23–40: Paul’s preaching has an economic impact on Ephesian artisans, which leads to civil unrest.

⁷ Jonathan Mayhew, “A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers,” 1750, <http://www.lawandliberty.org/mayhew.htm>.

The laws of nature and nature's God justified the ultimate civil disobedience: the Declaration of Independence of the United States: "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which *the Laws of Nature* and of *Nature's God* entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

Benjamin Franklin proposed emblazoning the seal of the new country with the words "Rebellion to tyrants is obedience to God."⁸

The Declaration of Independence continues: "Whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

From a Birmingham jail, Baptist pastor and civil rights leader, Dr. Martin Luther King Jr. (1929–1968), wrote one of the clearest rationales for civil disobedience: "One may well ask, how can you advocate breaking some laws and obeying others? [The answer] is found in the fact that there are two kinds of laws: . . . just . . . and unjust laws. . . . One has not only a legal but moral responsibility to obey just laws. Conversely, one has a moral responsibility to *disobey* unjust laws."⁹

In the twenty-first century, the foundations of law and liberty have been undermined. Harvard University professor of law Harold Berman (1918–2007) has described what the future holds when the foundations are destroyed:

*The law is becoming more fragmented, more subjective, geared more to expediency and less to morality, concerned more with immediate consequences and less with consistency or continuity. Thus the historical soil of the Western legal tradition is being washed away in the twentieth century, and the tradition itself is threatened with collapse. . . . This did not occur at once, since the predominant system of beliefs throughout the West remained Christian. It is only in the twentieth century that the Christian foundations for Western law have been almost totally rejected. . . . Thus not only legal thought but also the very structure of Western legal institutions have been removed from their spiritual foundations.*¹⁰

The rule of law contradicts the arbitrary absolutes of modern political correctness. The rule of law challenges the naked appeal to power by the French Revolution, the bloody Bolshevik revolution,

⁸ Roy Moore and John Perry, *So Help Me God: The Ten Commandments, Judicial Tyranny and the Battle for the Religious Freedom* (Los Angeles: WorldNetDaily, 2005), 208.

⁹ Martin Luther King Jr., "Letter From Birmingham Jail," April 16, 1963, <http://www.mtholyoke.edu/acad/intrel/mlkbirm.htm>; emphasis added.

¹⁰ Harold Berman, quoted in Amos and Gardiner, *Never Before in History*, 63–64.

the fascists in Italy, and national socialists in Germany. Are we willing to obey just laws and disobey unjust ones?