

The Gospel's Missionary Journey: The Pivot Crosses the Atlantic: Doctrines Found in the Founding Documents: Divine Providence, the Law of God, Equality under the Law, Unalienable Rights, Delegated Powers, Checks and Balances, Innocence until Proven Guilty

C. Doctrines Found in the Founding Documents:¹

1. Divine Providence:

- a. The Declaration concludes with this sentence: "And for the support of this Declaration, with a firm Reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor."
- b. The anti-God crowd asserts that "Providence" is a term from Deism which speaks of an impersonal God.
- c. But Samuel Johnson's 1755 *Dictionary of the English Language* offers this definition: "The care of God over created beings; divine superintendence."
- d. Noah Webster's 1828 *American Dictionary of the English Language* is even more lucid: "Providence: In theology, the care and superintendence which God exercises over his creatures. He that acknowledges a creation and denies a *providence*, involves himself in a palpable contradiction; for the same power which caused a thing to exist is necessary to continue its existence. By *divine providence* is often understood God himself."

2. The Law of God:

- a. The Declaration's opening sentence contains the phrase, "the separate and equal Station to which the Laws of Nature and Nature's God entitle them"
- b. This comment is found in the writings of both **John Locke** and **Sir William Blackstone** and is used by them to describe a law which transcends and supersedes human law.

¹ The major resource for this subchapter is: John Eidsmoe, *Christianity and the Constitution: The Faith of Our Founding Fathers* (Grand Rapids: Baker Book House, 1987), 355–377.

- c. It is not some ethereal term advanced by **Thomas Hobbs** which says that man does what comes naturally such as self-preservation.
- d. The Laws of Nature are the standards by which man's laws must be judged.
- e. Otherwise, no human law can be described as unjust since there is nothing superior by which to label it so.
- f. The Laws of Nature therefore refer to the Laws of Divine Establishment, and Nature's God refers to Jesus Christ who controls history.
- g. The Scriptures teach such a law in:

Romans 2:14 - For when the Gentiles who do not have the Law do instinctively the things of the Law, these, not having the Law, are a law to themselves,

v. 15 - in that they show the work of the Law written in their hearts, their conscience bearing witness and their thoughts alternately accusing or else defending them.

3. Equality under the Law.

- a. The Declaration reads in its second sentence "all Men are created equal."
- b. The Constitution emphasizes the point to the degree of denying any possibility of an official aristocracy in the country in **Article I**, Section 9, and Paragraph 8: "No Title of Nobility shall be granted by the United States."
- c. The Scripture speaks of such in **Acts 10:34**, "God is not one to show partiality."
- d. Or, **Deuteronomy 10: 17**, "God does not show partiality nor take a bribe."
- e. This was taken over into the legal code of Israel in **Romans 10:12**, "There is no distinction between Jew and Greek; for the same Lord is Lord of all."
- f. The **Framers** recognized this principle in the Declaration that "all Men are created equal" under the law.

- g. And that equality is said to include "certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

4. Unalienable Rights.

- a. The Founders believed that all men were born with certain rights imputed by God.
- b. If this is true, then it follows by logic that no government has the power to grant such rights nor does it possess the prerogatives to deny such rights.
- c. All government is expected to do is to guarantee the protection of those rights.
- d. These God-given rights are easily discerned in the Bible.
- e. The right of freedom of volition and human life is found in the **6th Commandment** in **Exodus 20:13**, "You shall not murder."
- f. The right to possess property is implied in the **8th Commandment** in **verse 15**, "You shall not steal."
- g. The right to privacy in one's personal affairs is seen in the **10th Commandment** in **verse 17**, "You shall not covet ... anything that belongs to your neighbor."
- h. The right of liberty is found in **Deuteronomy 24:7**, "If a man is caught kidnapping one of his fellow Israelites and treats him as a slave or sells him, the kidnapper must die. You must purge the evil from among you." (NIV)
- i. Three of these rights are mentioned in the Declaration: "Life, Liberty, and the Pursuit of Happiness," the latter of which both Locke and Blackstone established as referring to possession of property.
- j. The **Bill of Rights** mentioned certain rights which by application are found in the imperative moods of Scripture.

- k. For example, the pastor is commanded to "Shepherd the flock of God" in **1 Peter 5:2**, a mandate which cannot be fulfilled without freedom of speech.
- l. The flock is commanded about "not forsaking our own assembling together" in **Hebrews 10:25**, a mandate which cannot be fulfilled without freedom of assembly.
- m. Both these commandments require the freedom of religion and all three are found in the **First Amendment**.
- n. The following quote by **Thomas Jefferson** is engraved on his monument in Washington, D.C.: "God who gave us life, gave us liberty. Can the liberties of a nation be secure when we have removed their only sure basis, a conviction in the minds of the people that these liberties are of the gift of God?"

5. Delegated Powers:

- a. The Framers intended to make it clear that it was the governed who granted power to those who govern.
- b. Consequently, government has no power unless it is delegated to it from the people.
- c. The Declaration is very clear on this: "That to secure these Rights, Governments are instituted among Men, deriving their just powers from the Consent of the Governed ..."
- d. **Amendment X** to the Constitution brings this idea over from the Declaration: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."
- e. It is very clear what is being said here: You cannot exercise power which you do not possess.
- f. This is another example of how the Founders sought to shackle and chain any would-be tyrant to the restraints imposed by the Constitution.

- g. Israel was originally under a Theocracy; they were governed by God.
- h. God reluctantly agreed to allow them to have their own king in I Samuel 8.
- i. But in doing so He was very clear that those the Jews might appoint should be delegated limited power.
- j. First of all Samuel was to inform the Jews what the king would wind up doing. Here's a brief summary from **1 Samuel 8:11-18** of how a king will reign over them: Draft their youth into military service or employ them in the defense industry; draft the men into civil service reaping his harvest or making weapons for war; their daughters would be assigned duties as perfumers, cooks, and bakers; and he would tax the people ten percent of their possessions until eventually they would become his slaves.
- k. On hearing this, the people replied: "No, but there shall be a king over us, that we also may be like all the nations, that our king may judge us and go out before us and fight our battles" (**1 Samuel 8:19b-20**).
- l. Our Lord, having divine omniscience, had anticipated this flight of cosmic fancy and had made provisions in **Deuteronomy 17**.
- m. In **verse 14**, The Lord prophesied, "When you enter the land which the Lord your God gives you, and you possess it and live in it, and you say, 'I will set a king over me like all the nations who are around me.'"
- n. And He advised them that when they did this they should delegate to him only limited power.

Deuteronomy 17:18 - "Now it shall come about when he sits on the throne of his kingdom, he shall write for himself a copy of this law on a scroll in the presence of the Levitical priests.

v. 19 - "It shall be with him and he shall read it all the days of his life, that he may learn to fear the Lord his God, by carefully observing all the words of this law and these statutes,

Deuteronomy 17:20 - that his heart may not be lifted up above his countrymen and that he may not turn aside from the commandment, to the right or the left, so that he and his sons may continue long in his kingdom in the midst of Israel."

- o. The Jewish kings were issued a Constitution in the form of the Torah and subsequent Scripture.
- p. These leaders were limited in their powers by the positive and negative mandates of the Holy Writ.
- q. The Founding Fathers utilized this idea in the structure of the Constitution by delegating through its limited power.

6. Checks and Balances:

- a. The reason the Framers incorporated checks and balances into the Constitution was not because they thought more people should be involved in government.
- b. The reason was because they conceptualized the issue of total depravity: "All have sinned and fall short of the glory of God" (**Romans 3:23**).
- c. They intended to form a government that kept this principle clearly in view.
- d. James Madison, who is credited with authoring the Constitution, wrote in *The Federalist*, number 51:

"If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself."

- e. Men have old sin natures and a government must have enough power to restrain them and govern effectively.
- f. But if government is given too much power, rulers will use it to enslave the people.
- g. The solution was not found in democracy.
Democracy takes power and uses it to the advantage of the majority.

- h. The solution was in the Republic where the people elect representatives to vote on the issues in a manner they think best for all concerned.
- i. Congress may pass laws, but the president may veto them.
- j. Congress may override the veto, but the Supreme Court may find the law to be unconstitutional.
- k. The Supreme Court may view the Constitution as some flexible patchwork of opinions which they may expediently interpret in order to promote their own personal sociological crusades, but the President may appoint more honorable men to the Bench.
- l. It is hard to imagine that the Founders envisioned how far the old sin nature could go in its lust for power, but we can be thankful to God they had the foresight to incorporate the separation of powers and checks and balances into the Constitution.

7. Innocence until Proven Guilty:

- a. In Israel a person was presumed innocent until he was proven guilty by at least two witnesses.

Deuteronomy 19:15 - “A single witness shall not rise up against a man on account of any iniquity or any sin which he has committed; on the evidence of two or three witnesses a matter shall be confirmed.”

- b. Not only this, but these testimonies must also be in total agreement with regard to facts, details, and particulars.
- c. This is seen in our Lord’s trial before Caiaphas and the Sanhedrin in:

Mark 14:55 - Now the chief priests and the whole Council [Sanhedrin] kept trying to obtain testimony against Jesus to put Him to death, and they were not finding any.

v. 56 - For many were giving false testimony against Him, but their testimony was not consistent.

Mark 14:57 - Some stood up and began to give false testimony against Him, saying,

v. 58 - “We heard Him say, I will destroy this temple made with hands, and in three days I will build another made without hands.”

v. 59 - Not even in this respect was their testimony consistent.

- d. The need for two witnesses in agreement to establish guilt before the law was incorporated into the Constitution in **Article III**, Section 3, Paragraph (1): “No person shall be convicted of Treason unless on the Testimony of two Witnesses ...”
- e. Caiaphas asked our Lord in:

Mark 14:61c - “Are You the Christ, the Son of the Blessed One?”

v. 62 - And Jesus said, “I am; and you shall see the Son of man sitting at the right hand of Power, and coming with the clouds of heaven.”

v. 63 - Tearing his clothes, the high priest said, “What further need do we have of witnesses?

v. 64 - “You have heard the blasphemy; how does it seem to you?” And they all condemned Him to be deserving of death.

- f. It was against Jewish and biblical law for a person to testify against himself.
- g. Caiaphas and the chief priests violated this mandate.
- h. The Framers made sure it didn’t happen in America by virtue of **Amendment V** to the Constitution: “No person ... shall be compelled in any criminal case to be a witness against himself”