

## English Mercantilism Fomented Wars; Colonial Curricula: Schooling Emphasized Classical Writers, Latin, Greek, & Hebrew, Logic, Rhetoric, Ethics, & Religion; Education Was Parental Responsibility, e.g., Reading, Writing, & Arithmetic; the Adoption of Cicero's Natural Law; the Influence of Blackstone's Commentaries

One of the major impacts of the British monarchy was the imposition of Mercantilism on the colonies as we discussed earlier. The result of this erroneous insurgency by government into industry was to foment wars. Mercantilism uses government power to support domestic tradesmen against those foreign. Consequently, the other nations adopt similar restrictions in order to protect its merchants.

Prior to government intervention the trade was peaceful. Those who did not produce the best quality product at the lowest possible price did not do well. In order to compete they had to mend their ways or get out of that business.

When government seeks to protect inefficiency, the result is war, or better, wars. Examples are Queen Anne's War, the War of Jenkin's Ear, and the French and Indian War. This latter conflict precipitated problems in England which resulted in the eventual break between it and its colonies. But even as late as 1770, most colonists considered themselves still loyal to the Crown. It took much provocation to bring them to the realization that they had to sever all ties with Mother England.

Over the years a new outlook had been developing in the colonial mind. They developed their own particular views which had been shaped by their own experiences. This outlook concerned itself with individual liberty, the rights of man, and the proper role of government.

One of the things the colonists did after coming to America was to develop a concern for preserving their European heritage. This concern was probably more emphasized than it would have been had they remained in Europe. They feared that the next generation, separated from the Old World by an ocean, might begin a cultural slide that would, in time, become no more advanced than the Indians.

They were determined that this would not occur. One Puritan wrote:

**After God had carried us safe to New England, and we had built our houses, provided necessities for our livelihood, reared convenient places for God's worship, and settled the civil government: one of the next things we longed for, and looked after was to advance learning and perpetuate it to posterity.**

Students who were admitted to these schools beginning at age 7 had already learned to read and write. The grammar schools were devoted almost exclusively to the study of Latin and literature written in it. Older students studied the Greek language and the classics.

Graduates went directly to college, i.e., Harvard. Its curriculum consisted of logic, rhetoric, Greek, Hebrew, ethics, and religion, which meant Bible study.

The study of the classical and biblical languages was designed to enable students – the next generation – to master the great literature written in them. A graduate of Harvard thus had mastered the classical culture of Greece and Rome and the doctrines of Christian theology.

In the colonial mind there was a difference between schooling and education. Education was a family responsibility and was entirely up to the individual. All children were taught reading, writing, and arithmetic at home.

Boys were taught trades for earning a living while girls were trained in housekeeping.

Schooling was the learning of culture with emphasis on the classics. Among the ancient authors who were studied were Homer, Aristotle, Socrates, Seneca, Juvenal, Horace, Cicero, Plutarch, Virgil, Caesar, and others. Among those writers which emerged from the colonies, Cotton Mather (Massachusetts), Jonathan Edwards (Connecticut, Massachusetts, and New Jersey), and Benjamin Franklin (Pennsylvania) were probably the most widely read.

One of the attitudes developed in the colonial mind from their studies of Scripture and the classics was that of “natural laws.” The Jews taught them that God was in *control* of all things; the Greeks emphasized the *order* of these things while the Romans emphasized the *laws* behind that order.

The phrases “civil law,” “laws of nations,” and “natural law” were developed by the Romans.

In order to appreciate what the Declaration of Independence means by its utilization of these terms, we must take time to go back to the Roman Republic and one of its most noted spokesman (and favorite among the colonists), Marcus Tullius Cicero (106–43 B.C.) who often wrote on the idea of ordered liberty.

A government that could provide maximum freedom but still maintain order was what the colonists sought. If England would not grant it to them then they sought to establish it themselves.

Cicero was an icon in the minds of the learned men in both Britain and the colonies. Cicero had developed the doctrine of the “law of nature.” A principle that was part and parcel of judicial thought to the Founding Fathers.

Liberals have so misinterpreted the Declaration and the Constitution with erroneous analyses of these and other phrases that it is important to go through some epistemological rehabilitations.

First let’s quote Cicero:

True law is right reason in agreement with nature. It is of universal application, unchanging and everlasting; it summons to duty by its commands and averts from wrongdoing by its prohibitions. It does not lay its commands or prohibitions upon good men in vain, although neither have any effect upon the wicked. It is a sin to try to alter this law, nor is it allowable to attempt to repeal a part of it, and it is impossible to abolish it entirely.

There will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and for all times and there will be one master and one rule, that is, God, over us all, for He is the Author of this law, its Promulgator, and its enforcing Judge.

Philosophy teaches us that by nature human beings have reason, that reason enables us to discover the principles of justice, and that justice gives us law. Therefore any valid law is rooted in nature, and any law not rooted in nature (such as a law made by a tyrant) is no law at all.

Roman law developed three codes:

1. ***ius civile***: This was the civil law; a body of customary laws not enacted by the Senate or the people but developed over time among the Romans themselves. Out of this came the English common law where cases were based on precedents.

Once the Roman eagle extended its power over the whole of the Italian peninsula, it became necessary to develop a second body of laws. Those societies that were not full Roman citizens and therefore not accustomed to the *ius civile* had to have a code. This code was called:

2. ***ius gentium***: The law of nations; a body of legal rules founded upon customs common to non-Roman peoples. Roman jurists found it difficult to execute justice among the many differing forms of law found within the expanding republic.

It was impossible to make them all agree with the *ius civile* of Roman law. This demanded that a system be established which would identify principles of justice which would apply to all the differing legal systems.

The law of nations was considered to be acceptable to that particular group of people. But in order for there to be compatibility among the various systems, a third code had to be developed. It was called:

3. ***ius naturale***: the natural law; a body of rules of action mandated by an authority superior to the political state. These rules were said to come from three sources: (1) divine commandment, (2) human nature, and (3) experience learned from social history.

Cicero came to define the natural law as "... human laws which are only copies of eternal laws. These laws are designed only for man who is the only rational being."

Thus the test of a natural law was its conformity to right reason. Natural law then was not a written code but a means of doing justice by referring to the general norms of mankind.

Englishmen believed that common law is an absolute; judging issues on the basis of enduring norms that for long-standing have been recognized as just and binding. This common law was based on man's experience over many generations. Cicero addressed this concept:

**The origin of justice is to be found in law. Law is a natural force. It is the mind and reason of the intelligent man. It is the standard by which justice and injustice are measured.**

If it is assumed (and both England and the United States have) that law is the right reason of the intelligent man, it must follow that the law of nature — *ius naturale* — is superior to the *ius civile* and the *ius gentium*. The law of nature is seen as the immutable rights found in the laws of divine establishment. The law of the state must be in harmony with that law.

It was believed that one may appeal from the injustice of rulers to the immutable and superior law of nature. Cicero believed that if the temporary masters of the state are unjust, acting contrary to the law of nature, men possessing right reason are under no moral obligation to obey them.

The man who was most responsible for bringing Cicero's *ius natural*, the natural law, into British consciousness was Sir William Blackstone.

Blackstone was born in London in 1723; he was one of the most famous English jurists. He was the first to offer lectures on the university level on English law.

Blackstone's *Commentaries on the Laws of England* is considered a legal literary masterpiece. It shaped the future of legal education in both England and America.

The *Commentaries* were known and studied by all our Founding Fathers and today it is considered a legal classic. Here are some excerpts that are most pertinent to our study:

When the Supreme Being formed the universe, and created matter out of nothing, He impressed certain principles upon that matter, from which it can never depart, and without which it would cease to be. When he put the matter into motion, He established certain laws of motion, to which all movable bodies must conform.

The whole process is not left to chance, or the will of the creature itself, but is performed in a wondrous involuntary manner, and guided by unerring rules laid down by the great Creator.

This, then, is the general signification of law, a rule of action dictated by some superior being; and, in those creatures that have neither the power to think, nor to will, such laws must be invariably obeyed, so long as the creature itself subsists .... Man, considered as a creature, must necessarily be subject to the laws of the Creator, for he is entirely a dependent being. As man depends absolutely upon his Maker for everything, it is necessary that he should in all points conform to his Maker's will.

The will of his Maker is called the law of nature. When He (God) created man, and endued him with free will to conduct himself in all parts of life, He laid down certain immutable laws of human nature, whereby that free will is in some degree regulated and restrained, and He gave him also the faculty of reason to discover the (meaning) of those laws.

These are the eternal and immutable laws of good and evil, to which the Creator Himself in all His dispensations conforms; and which He has enabled human reason to discover.... Such are these principles: that we should live honestly, should hurt nobody, and should render everyone his due.

He has so intimately connected, so inseparably interwoven the laws of eternal justice with the happiness of each individual, that the latter (happiness) cannot be attained but by observing the former (the laws of eternal justice); and if the former be punctually obeyed, it cannot be induce the latter.

He has not perplexed the law of nature with a multitude of abstracted rules and precepts; but has graciously reduced the rule of obedience to this one paternal precept: that man should pursue his own true and substantial happiness. This is the foundation of what we call ethics, or natural law.

With this background we will be able to understand how the colonists justified their separation from Great Britain.