

Abstract

America is seemingly fractured beyond repair. The fracture itself has been caused by a foundational deficiency at the core of American government. That deficiency can only be described as a humanistic and rationalistic rebellion against God's Word in the erecting of the American Federal Government. To correct this problem, the founding documents must be revised for their deficiencies. However, the great question is, by what standard will the founding documents be revised? It is thus proposed there can be no better standard for the American government than the perfect Law of Liberty revealed in the Scriptures of the Old and New Testaments, the Holy Bible. It is simply not good enough that the American founding documents are implicitly Christian. If America is to be the Great City on a Hill, the beacon of the world, then she must not hide her true light under a lamp shade any longer. By not explicitly announcing her allegiance to King Jesus in her governing documents, America has incurred the wrath of the Son. What she must do now is throw herself at the mercy of the King of Kings and kiss His feet. This process starts when people in government seek to live by every word of God.

Keywords: Government, Biblical worldview, Constitution, fractured America

Repairing A Fractured America

What are the most prominent earmarks of twenty-first century American society? Division and unrest. Clearly, Americans are divided in every possible way. Politically, Americans are broadly divided into one of two categories, each of which contains a variation of conservatism or liberalism. Economically, people have been labeled and divided into the following three classes: lower, middle, and upper. Thus, there is also an ever-present economic conflict between *Capitalists* and *Marxists*. Perhaps now, more than ever, racial tensions have spurred on societal schism. Sexually, Americans are divided over patriarchy and *feminism*, the LGBTQ (sexual perversion) movement, and abortion. Additionally, a new facet of division has been added to the already polarized nation through the irrational fear of the *Corona Virus Pandemic* and vaccine mandates. Yet, at the core of this societal strife lies a philosophical or religious division, a division which transcends all the others, and a division which is the result of an inherent human defect that is present in every single human being.

That defect is none other than the sin of human rationalism, which can best be described as doing what is right in one's own eyes.¹ Human rationalism, or the idea that mankind can successfully and independently think on his own, apart from God's revelation, is a Satanic ideology. As such, it is the oldest sin in the book.² Ultimately, rationalism, like every other sin, is the result of unbelief in God and His Word, which leads to a faith in independent human reasoning.³ Converse to the unbelief of human rationalism is Biblical Christianity, which is best characterized by living a faith-based life according to "every word that proceeds from the mouth of God (Matt. 4:4, New King James Version)."⁴ The juxtaposition is clear. Human rationalism proclaims man does not need God to live, whereas Biblical Christianity calls people to, "Trust in the LORD with all your heart, And lean not on your own understanding; In all your ways acknowledge Him, And He shall direct your paths. Do not be wise in your own eyes; Fear the LORD and depart from evil (Prov. 3:5-7)." Equally, Scripture declares what happens when human beings forget the Triune God in their thinking; it is not a pretty picture.⁵

Specifically, America is in such a divided and fractured state of social and political disrepair because she has failed to acknowledge God in all her ways. Therefore, America is experiencing the wrath and judgment of Almighty God on a national level. Though God expects individuals and families to honor Him, He has tasked two of the four branches of human government with the specific, covenantal

¹ Deut. 12:8; Judg. 17:6; Prov. 12:15, 21:2, New King James Version.

² Gen. 3:6-7.

³ Rom. 14:23.

⁴ Glenn R. Martin, *Prevailing Worldviews of Western Society Since 1500* (Marion, IN: Triangle Publishing, 2006), 81-82.

⁵ Rom. 1:18-32.

role of supporting holiness and righteousness (religion) among the nations. Those two covenantal bodies are the church and the state.⁶ Together, individuals and families of the earth are represented under these governmental bodies. Both the church (visible Bride of Christ) and the civil government (state), acting as God's ministers, are accountable to God, and as such, are bound to His Perfect Law of Liberty.⁷

Libraries could be filled with books about the failure of the American church to live by every word that proceeds from the mouth of God. Furthermore, it is impossible to understand the true nature of the failure of American society without an understanding of the ecclesiastical failures, as judgment begins with the house of the lord and extends to the rest of the earth.⁸ Nevertheless, this discussion will primarily focus on the failure of the American Federal Government to honor God with her foundational documents. This historical failure created a faulty foundation of government which has significantly contributed to the fractured state of American society. Thus, the only way to heal the fractured structure of American government and society is to repair the foundation and remodel the structure according to the absolute and perfect standard of God's Word, the Bible.

A Fractured State of Affairs: The Historical Origins

The foundational defect which has led to the current fractured state of American affairs lies in the failures of some of the holiest people to ever live, not necessarily in enlightenment thinking. The Puritans, though they certainly had their faults, strived to mold a political theocracy, or a *City on a Hill*, where God's Law was publicly honored and revered. Both the American and English Puritans had a boldness which has not been seen to this day. To stand up to persecution like the English Puritans, and to step out into the unknown like the American Puritans, risking their lives and the lives of their families for the glory of God, is unfamiliar territory for modern American Christians. Significantly, the American Puritans, in their courageous boldness, were the first people in recorded history to establish a political body modeled after God's Law.⁹ One may object at this point and claim the Israelites had a theocracy modeled after God's Law. Yes, this is correct. However, on more than one occasion, the children of Israel demonstrated they had God's Law in external form but lacked an internal desire to consecrate their lives to Him. The most obvious examples are found in the incidents involving the golden

⁶ Matthew Henry, *Matthew Henry's Commentary on the Whole Bible: New Modern Edition: Judges*, (Carol Stream, IL: Tyndale House Publishers, 2009), Ch. 17, v. 1-6.

⁷ 2 Cor. 3:5-7; Jas. 1:25; Rom. 13:1-7.

⁸ 1 Pet. 4:17.

⁹ The Massachusetts Body of Liberties (1641), Online Transcription, <https://history.hanover.edu/texts/masslib.html>, 261-280.

calf and the rejection of God's form of civil government.¹⁰ Thus, it can be said the Puritans were the first political body to both wholly love God, and the first to truly want His Law to govern over them.

The Puritans were richly blessed by God as His grace was most abundant among them. Consequently, God has chosen to bless America because of the Puritans' faithfulness to Him. This blessing is exemplified in the fact that countless elements in modern American government and many modern laws have their origins in the tradition of the Puritans and Pilgrims.¹¹

As holy and righteous as the Puritans were, they were not perfect, and their sins were significant to future generations. Several items need to be noted here. First, though the Puritans sinned, the evil they wrought pales in comparison to the evil of modern America. The Puritans did not butcher children for expedience, nor did they openly embrace and flaunt sexual perversion. Second, puritanical history proclaims the truth of Jesus's statement that, "For everyone to whom much is given, from him much will be required; and to whom much has been committed, of him they will ask the more (Lk. 12:48)." Perhaps more than any other generation of people, aside from first and second century Christians, God blessed the reformers, puritans, and pilgrims with hearts for Him. These people had more knowledge and wisdom than any teacher or scholar today, and they were willing to pay any cost to stand upon the truth of God's Word. Yet, the combination of godly knowledge and wisdom can be a double-edged sword. For with godly knowledge and wisdom comes the responsibility to properly apply God's Word to one's sphere of authority. Mostly, the Puritans were great stewards of God's gracious gifts, properly applying God's Word to their lives. However, they made some fundamental errors in their Massachusetts' law, errors which were antithetical to the plain meaning of Scripture, and errors which would be quite significant for future generations and lawmakers.

The Massachusetts Body of Laws and Liberties (1641) contains several provisions that are contradictory to Scripture.¹² A few of those errors will be outlined here, though not comprehensively. In this body of laws there is a problem in the very first law, which states the following:

No mans life shall be taken away, no mans honour or good name shall be stayned, no mans person shall be arested, restrayned,

¹⁰ See Exodus 19:8, 24:3, 7. In these passages, the children of Israel affirm their willingness to follow God's Law on three separate occasions. Yet, these same Israelites would reject the covenant by making a golden calf to worship (Ex. 32), and future generations would demand a king instead of the form of civil government God had given them (1 Sam. 8:1-7).

¹¹ Donald S. Lutz, *The Origins of American Constitutionalism* (Baton Rouge, LA: Louisiana State University Press, 1988).

¹² The Massachusetts Body of Liberties (1641), Online Transcription, <https://history.hanover.edu/texts/masslib.html>, 261-280.

banished, dismembred, nor any wayes punished, no man shall be deprived of his wife or children, no mans goods or estaite shall be taken away from him, nor any way indammaged under colour of law or Countenance of Authoritie, unlesse it be by vertue or equitie of some expresse law of the Country waranting the same, established by a generall Court and sufficiently published, or in case of the defect of a law in any parteculer case by the word of God. And in Capitall cases, or in cases concerning dismembring or banishment according to that word to be judged by the Generall Court.¹³

Here, the idea of the *rule of law* is rightly established in the Massachusetts Colony. The notion of the rule of law, or the idea that no person shall be deprived of life, liberty, or property by the state, without the thorough examination of evidence in a court of law, is entirely biblical.¹⁴ The problem with this law is dismemberment as a form of criminal punishment cannot be reasonably inferred from the clear meaning of Scripture. In fact, Scripture seems to condemn dismemberment as a form of corporal punishment. For example, Exodus 21:26-27 states, “If a man strikes the eye of his male or female servant, and destroys it, he shall let him go free for the sake of his eye. And if he knocks out the tooth of his male or female servant, he shall let him go free for the sake of his tooth.” The punishment of a slave is not outright forbidden in Scripture, but there are limits to the permissible punishment. Exodus 21:20 says a slave is not allowed to be punished to death, and the implication of verse 12 is the master who kills his slave shall face capital punishment—a slave, is not considered less than human in a biblical worldview—even though he or she is one of the most inferior. It therefore follows that, if not even the slave, who is one of the most inferior of society, is to face dismemberment as punishment, then no human being can lawfully be subjected to dismemberment.

One may say a criminal is lower than a slave so dismemberment may be allowed for punishment. Biblically speaking, there are a plethora of problems with this logic. First, thievery is punished by financial restitution or slavery, not by mutilation.¹⁵ Furthermore, certain other offenses are punished by a limited, public flogging. In this public flogging no more than forty stripes may be administered lest, “...he should exceed this and beat him with many blows above these, and your brother be humiliated in your sight.”¹⁶ Hence the dignity of the convict must be preserved, even in one of the lesser offenses that merit a beating as punishment. Additionally, the most severe form of punishment, the death penalty, is

¹³ The Massachusetts Body of Liberties (1641), Online Transcription, <https://history.hanover.edu/texts/masslib.html>, 261-262.

¹⁴ Deut. 17:6, 19:15; Matt. 18:16.

¹⁵ Ex. 22:1-3.

¹⁶ Deut. 25:2-3.

administered through stoning, burning, and possibly, though not likely, hanging.¹⁷ Essentially, none of the afore mentioned biblical punishments explicitly require dismemberment. On the other hand, Scripture, even if implicitly, frowns upon dismemberment. As such, the message is quite clear: God's Ministers must err on the side of caution when dealing with people made in His image, especially when they are considering whether it is lawful or not to mutilate them. In this case, the Puritans of Massachusetts Bay were not cautious. Instead, they decided to lean on their own understanding rather than digging deeper into God's Word to find the answers; they embraced rationalism in their criminal justice and form of government.

It is worth reiterating that the New England Puritans made mistakes with lasting impacts, but they also made wise choices that significantly impacted the course of history. For example, the foundation for the prohibition against cruel and unusual punishment clause of the Eighth Amendment of the American Constitution can and should be attributed to the New England Puritans, not just to the actors of the Glorious Revolution of 1688, as some scholars contend.¹⁸ In kernel form, the cruel and unusual punishment clause is present in the following foundational Massachusetts Law: "For bodilie punishments we allow amongst us none that are inhumane Barbarous or cruel."¹⁹ Unfortunately, in a context where hanging, drawing, and quartering was practiced, the terms "inhumane, barbarous, or cruel," tend to take on a different meaning. Interestingly, although the letter of Puritanical Massachusetts Law spelled out harsh punishments, the reality of the matter is New England Courts were significantly more lenient than their English counterparts

¹⁷ Deut. 13:10, 17:5, 21:21, 22:21, 24; Lev. 20:14; 21:9, 24:14, 16, 23; Num. 15:35-36. Regarding death by hanging, it is not explicitly commanded in the law like stoning or burning. The hanging of a person in Scripture typically occurs after execution as a sign of God's curse upon the lawbreaker (Deut. 21:22-23). This author holds to the following premise: capital punishment ought to be publicly administered, and it ought to be the quickest and least painful form of execution presently available because there is always the possibility of unjustly executing the innocent in any human justice system. It would be horrible to execute an innocent person, but barbarically executing one is even worse. The focal point of biblical justice is not on dealing out retributive punishment, as so many falsely assume. Rather, God commands His magistrates to purge the evil from society and restore that which was lost due to the criminal's conduct, with an understanding that ultimately, Jesus Christ is the Dread, Sovereign Judge of mankind. Vengeance belongs to God Almighty, and He will deal out more justice in one second than human magistrates can in a lifetime.

¹⁸ John D. Bessler, "The Concept of 'Unusual Punishments' in Anglo-American Law: The Death Penalty as Arbitrary, Discriminatory, and Cruel and Unusual," *Northwestern Journal of Law & Social Policy* 13, no. 4/2 (Spring 2018): 308-310.

¹⁹ The Massachusetts Body of Liberties (1641), Online Transcription, <https://history.hanover.edu/texts/masslib.html>, 267.

when it came to both the codification of statutes, as well as dealing out criminal punishments.²⁰

Despite the fact Puritanical New England laws and courts may have been more lenient and just than their English counterparts, this truth does not change the primary contention of this article. The simple fact of the matter is rationalism crept into the Puritan camp causing them to craft laws contrary to Scripture, even though in 1647 Puritan leaders introduced their law with the following claim:

So soon as God had set up Politicall Government among his people Israel hee gave them a body of lawes of judgement both in civil and criminal causes. These were brief and fundamental principles, yet withall so full and comprehensive as out of them clear deductions were to be drawne to all particular cases in future times.²¹

The claim here is profound yet simple. The basic premise of Puritan law contained in this statement claims God gave Israel a generally comprehensive law from which all future principles and laws can be deduced. In other words, the laws given to Moses immediately after the Exodus were so broad that every criminal and civil issue has been answered in them. This clearly means the Puritans believed God's Word was sufficient for every socio-political issue. Yet, more profound than this statement is the seeming lack of wherewithal or concern to consistently put this statement into practice by the Puritans. Why did the Puritans fail to consistently apply this proposition to their laws? Again, thinking from a Biblical framework, the natural tendency of mankind is to rely on human reasoning instead of God's authoritative word—the Puritans were no exception to this rule.²²

Other significant errors committed by the Puritans must be mentioned. Because the Puritans already embraced human rationalism by signing off on dismemberment as a form of punishment, torture was allowable in certain capital cases as well. Yet, torture could only be used if the person was convicted of a capital case, but only if the information was necessary to reveal other possible conspirators. Even then, the torture was not to be "barbarous and inhumane."²³ The problem here, apart from the obvious question of how torture can be anything other than barbarous and inhumane is, torture is not expressly allowed in Scripture. One may say torture is not expressly forbidden in Scripture either. True. Yet, the Scriptural principle

²⁰ Howard Schweber, "Ordering Principles: The Adjudication of Criminal Cases in Puritan Massachusetts, 1629-1650," *Law & Society Review* 32, no. 2 (1998): 371.

²¹ "The Laws and Liberties of Massachusetts," in *Colonial Origins of the American Constitution: A Documentary History*, ed. Donald S. Lutz (Indianapolis: Liberty Fund, 1998).

²² Ps. 51:5; Rom. 3:23.

²³ Massachusetts Body of Liberties (1641), Online Transcription, <https://history.hanover.edu/texts/masslib.html>, 267.

behind criminal law and justice is one that is based upon God's holy nature. For instance, Moses states, "For I proclaim the name of the Lord: Ascribe greatness to our God. He is the Rock; His work is perfect; for all His ways are justice, A God of truth and without injustice; Righteous and upright is He (Deut. 32:3-4)." Accordingly, anything that hides, subverts, or distorts the truth of a matter is by its very nature unjust and unrighteous. So while torture is not forbidden, *per se*, bribes are not allowed and judges are commanded to show impartiality because their God-given duty requires them to be ministers of truth and justice.²⁴ Moreover, the great duty of *all* God's people, not merely Old Testament Israel, is to "Give judgment in your gates for truth, justice, and peace (Zech. 8:16);" Torture, then, is implicitly forbidden in Scripture because it distorts truth and justice by placing the victim in a situation where one may incriminate anyone to escape the pain of torture. Therefore, any testimony obtained under torture is inherently questionable in any circumstance because it tempts the victim to lie for his own benefit.

The Puritans had many failures in their foundational documents because they believed their intellect could solve some of the muddier issues of government such as modern criminal punishment and the use of torture to solve some of the harder cases. These failures would become quite evident in their dealings with the Quakers and their handling of the famous *Salem Witch Trials*. The Puritans were known to mutilate and mark Quakers for punishment. They would also, in some cases, execute Quakers for returning after banishment and causing schisms in the community. In the Salem Witch Trials, the great problem is not the fact they accused and tried people for being witches, for the Bible clearly says, "You shall not permit a sorceress to live (Ex. 22:18)."²⁵ The problem is not even found in the fact the Puritans would punish witchcraft with the death penalty. The problem is the Puritans departed from biblical standards of justice in their criminal investigations by not thoroughly examining the evidence and witnesses, and by resorting to torture and inhumane holding conditions, in some instances.²⁶

The injustices wrought among the handling of the Quakers and the Salem Witch Trials left a stench in the nostrils of descending generations of Americans.²⁷ This lasting stench may have certainly contributed to descending generations of Americans jettisoning, though not completely, the idea of a theocracy, and striving for a more rationalistic/humanistic approach to civil government. This

²⁴ Deut. 1: 17, 10:17, 16:19; Ex. 18:21, 23:3, 8; Prov. 18:5, 24:23, 28:21.

²⁵ See also, Deut. 18:10.

²⁶ David E. Shi & George B. Tindall, *America: A Narrative History, Vol. 1, 10th ed.* (New York, NY: W.W. Norton & Company, 2016), 122.

²⁷ Gretchen A. Adams, "The Specter of Salem in American Culture," *OAH Magazine of History* 17, no. 4 (2003): 24-27.

rationalistic/humanistic approach to government was ultimately realized in the founding documents of the United States.

The Constitution: A Rationalistic Experiment

Many scholars contend the framers of the United States Constitution were godly, Christian men. Daniel L. Dreisbach says the language at the time of the founding was so inundated with Scripture that it is impossible to properly understand the historical context of the framing apart from a knowledge of biblical language.²⁸ Certainly, the Bible had a tremendous impact upon the framework of the culture, but the question becomes, where is *King Jesus* in the founding documents of the United States? Or, more simply stated, how could a country produce a *Christless* (though not godless) overarching, federal document in 1787, when in 1783 she entered her peace treaty with England using the following preamble: “In the Name of the most Holy & undivided Trinity?”²⁹

One may object here and say the Articles of Confederation, the system of government prior to the constitutional one, was Christless. On its face, Christ is not mentioned, but this document proclaimed the sovereignty of the states, many of which had Christ-based Constitutions. For instance, New Jersey required her elected officials to have the following qualification: “...all Persons, professing a Belief in the Faith of any Protestant Sect, who shall demean themselves peaceably under the Government as hereby established, shall be capable of being elected into any Office.”³⁰ Massachusetts, as expected, required governors to be of the Christian religion.³¹ The Fundamental Orders of Connecticut (1639) remained in effect as the governing constitution there until they developed a Constitution in 1818—this document is explicitly Christ-centered.³² The list goes on, but the point is there is an obvious divorce from Christ in the United States Constitution (1787), a divorce not witnessed since Englishmen first set foot upon the shores of America.³³

Even though the founding fathers failed to explicitly acknowledge the Triune God in the American Constitution, they relied upon His Word in many

²⁸ Daniel L. Dreisbach, “Micah 6:8 in the Literature of the American Founding Era: A Note on Religion and Rhetoric,” *Rhetoric and Public Affairs* 12, no. 1 (Spring 2009): 91.

²⁹ Transcript of Treaty of Paris (1783),

<https://www.ourdocuments.gov/doc.php?flash=false&doc=6&page=transcript>.

³⁰ 1776 State Constitution of New Jersey, <https://www.state.nj.us/state/archives/docconst76.html>.

³¹ Constitution of Massachusetts, 1780,

<https://www.law.gmu.edu/assets/files/academics/founders/Mass-Constitution.pdf>.

³² “The Fundamental Orders of Connecticut, 1639,” in *Colonial Origins of the American Constitution: A Documentary History*, ed. Donald S. Lutz (Indianapolis: Liberty Fund, 1998).

³³ Daniel L. Dreisbach, “The Constitution’s Forgotten Religion Clause: Reflections on the Article VI Religious Test Ban,” *Journal of Church and State* 38, no. 2 (Spring 1996): 263.

respects. There is much research about the implicit correlation between the American system of government spelled out in the Constitution and the Bible, but little has been written about important concepts in the Bible the framers left out when they crafted this document. Also, American Christians often herald the greatness of the American Constitution without acknowledging the glaring fact that the document fails to bring glory to God because it hides the light, the truth of God's Word, under a rationalistic basket.

The great problem with the constitutional system created by the framers is the following: the framers, compounding the faults of the Puritans, and in some sense, possibly because of the faults of the Puritans, failed to acknowledge the Triune God in their work. As such, God has refused to acknowledge America in the twentieth and twenty-first centuries. The ever so present division and strife in American politics and society is nothing more than the result of Almighty God taking His hand off this country and letting her go her own way to play the harlot and seek after other gods. For, even though the framers knew God, they did not acknowledge Him as God in every area of their law.³⁴ If Christ is not preeminent over all things, He will be preeminent over nothing.³⁵ Thus, if America is to be repaired, she must pray for God's forgiveness and repent of the sins of her fathers. Repentance in the civil sphere starts by acknowledging the sin of not wholly submitting human law to God's Law.

“Unless the Lord Builds the House, They labor in vain who build it”

Psalms 127:1 tells the reader everything that is wrong with America. It is a well-known fact that the men of the Constitutional Convention did not even pray until prompted to by Benjamin Franklin. If they were so godly and such pious men, why did they fail to pray, and why did our beloved framers refuse to acknowledge the King of all kings in their work? The framers did not pray or acknowledge Christ because they placed their confidence in human rationalism instead of wholly trusting in God's Word. Yes, biblical principles are implicit within the Declaration and Constitution, but God calls His people to be *explicitly* Christian in all their ways, not just some of them. In that respect, the framers failed to live up to their calling and subsequently, the house they built is crumbling. If the house is to be repaired, Christ must be the cornerstone of the rebuild for there to be success. However, before any repair is completed, the defects must be identified. This discussion will not be able to comprehensively address all the faults in the Constitution, but two prominent issues will be

³⁴ Rom. 1:21.

³⁵ Greg L. Bahnsen, *Always Ready: Directions for Defending the Faith* (Nacodoches, TX: Covenant Media Foundation, 1996): 1-23.

addressed. Those issues are a lack of religious tests for office and an overpowered judiciary.

Lack of Religious Tests

As referenced earlier, many of the original state constitutions specified that for one to be qualified for political office he must have a Christian profession of faith. The U.S. Constitution, however, explicitly deviates from this practice. Article 6, clause 3 of the Constitution states no official shall be required to take any religious test for office but shall merely swear an oath of affirmation to the Constitution. This clause is equivalent to Israel's rejection of God's government and their demand for a king—the problem is the same—the framers did not want God's Law to rule over them. God's Law explicitly requires Christian societies to appoint Christian magistrates.

The notion that Christians alone are qualified for political office is plainly set forth in Exodus where Jethro gives godly counsel to Moses. Exodus 18:21 reads, "Moreover you shall select from all the people able men, such as fear God, men of truth, hating covetousness; and place *such* over them *to be* rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens."

Today, it is quite unpopular to say only Christians are qualified for political office. The truth has never been popular, but the fact remains that only the Christian can truly value an oath of affirmation for what it is. That is because it is the Christian who realizes events in this temporal life have eternal consequences. It is the Christian who realizes he does not merely answer to earthly authority, but that he will answer to God for his oaths and how he conducts himself in this life and in his office. Furthermore, a true Christian magistrate, modeling King Jesus, will love God and those under him more than he loves himself. Therefore, he will be good and do good to others, though never perfectly in this life.

Patrick Henry, the greatest friend of Liberty in American history, understood the problem with the system of government produced by the eighteenth-century convention. At the Virginia ratifying convention, Henry made the following statement:

Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs, should they be bad men; and, sir, would not all the world, from the eastern to the western hemisphere, blame our

distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty!³⁶

Henry understood there was nothing in the Constitution preventing avaricious men from entering public office. He also understood that the quality of earthly government always depends upon the quality of the people who run it. Thus, as the moral quality of the American people has declined, the moral quality of the government has invariably declined. From a biblical perspective, then, the first step of repairing the depravity of the American government is to install men who have kissed the Son (Ps. 2:12); they must be God fearing *men* who seek the Kingdom of Christ above all else.

An Overpowered Judiciary

Judges and lawyers are the earmark of society. Biblically speaking, God's restoration of judges and counselors coincides with His restoration of a society (Isa. 1:26). Thus, if one were framing a Christian form of government, one would think great attention would be given to the judiciary. Yet, the American constitution is very brief in its discussion of the judicial branch. There has been much debate as to the establishment of term limits for justices. Term limits may be a good thing to help check the judiciary, but for this discussion, the focus will be on the way the Supreme Court treats cases that are brought before her. As it stands now, the Supreme Court is a seemingly unchecked body of power, and she is, unquestionably, the most dominant branch of government. The modern U.S. Supreme Court can both nullify laws created by congress and she can nullify executive orders. Yet, what is worse than the Court's seemingly unchecked power, is the fact she chooses what cases she wants to hear. Certification, appeal by right, and *writ of certiorari* simply do not provide the necessary limits upon the Court; they have too much freedom regarding the cases they hear and do not hear.³⁷ Thus, the problem with the Supreme Court is not so much what the Constitution says about the Court. Rather, the problem is what has been omitted.

The Bible sets forth a perfect example of a proper Supreme Court. Once again, attention is turned to Exodus 18, which sets forth Moses' role as the Supreme Court of ancient Israel. It was Moses' job to judge the difficult matters that could not be handled by the lower courts. Now, just imagine if there was

³⁶ Patrick Henry, "Patrick Henry Speech Before Virginia Ratifying Convention," <https://teachingamericanhistory.org/document/patrick-henry-virginia-ratifying-convention-va/>.

³⁷ Otis H. Stephens, Jr., John M. Scheb II, & Colin Glennon, *American Constitutional Law Volume 1: Sources of Power and Restraint* (6th ed.), (Stamford, CT: Cengage Learning, 2015): 46.

some issue the lower courts were divided over and, Moses, instead of hearing the case, said, “That is too political,” or, “That is a states’ rights issue.” There would be absolute chaos, disorder, and a lack of direction for the entire nation. Yet, the Supreme Court of these United States has that option, and she exercises it frequently.

The biblical remedy for the American Supreme Court is quite simple and it looks something like this: if there is a disagreement between multiple state supreme courts or federal appellate courts, then the Supreme Court *shall* hear the case. Moreover, instead of ordinarily letting the Court have free reign over the cases she wants to hear or not hear, the House of Representatives shall choose what cases are heard before the Court. To add an additional check and balance, the President of the United States could be granted the power to *line-item veto* the House’s decision, which would bring the choice to the Senate; the Senate’s choice would be final. This course of action would serve to diffuse the power of the Supreme Court and ensure the resolution of difficult cases or conflicting decisions.

Some might say this corrective course of action may place too much of a burden on government officials. Considering the Supreme Court only works a few months out of the year, the justices rarely write their own opinions (an issue which needs to be addressed in and of itself), they receive an exceptional salary and benefits, and they have almost absolute job security, their burden needs to be increased. Regarding the weight upon Congress, maybe they could spend a little less time campaigning and serving the interests of corporate America, big tech, and big pharma, and more time serving the cause of justice and serving the average citizen.

Conclusion: A Gospel Solution

America has found herself in a fractured state of affairs because her forefathers refused to subject their law to the Law of Jesus Christ. However, there is more to the story. Greg L. Bahnsen makes the following poignant observation:

The law of God has social, inter-personal, and political directions as well as dictates for the individual heart. The Christian is remiss if he, retreating into quietistic, pietistic ecclesiology which will not give God’s directives to the world, refuses to heed the whole law of God with its extra-personal, extra-ecclesiastical content. The believer is not true to the Great Commission if he plans to disciple the nations without teaching the nations to obey the law of God as well as to observe the ecclesiastical sacraments (read Matt. 28:18-20). If the believer is going to be a trustworthy physician, then, he will give the unbelieving world not only a diagnosis of its moral dilemma, but especially the gracious antidote from God—*all* of that

antidote (not just believism without subsequent obedience, and not just obedience to God's law in personal, private matters), which means the gospel with the entirety of God's law. The physician who gives only a portion of the remedy is untrue to *his patient*; but when the physician is the Christian taking God's remedy to sinners, and when he holds back from giving the full remedy, he is also tragically untrue to *His Lord*.³⁸

Applying Bahnsen's statement to this discussion, the divisive problems or unrest facing America can only be holistically addressed with the entire antidote God has provided. Thus, the key to finding American peace cannot be found in restructuring the civil magistrate *alone*. It does not matter how good a government is or how wonderfully constructed her laws are; if the people do not have hearts for God, then peace will not be found in her gates. See, today, Americans think civil governments can provide peace. The fact that governmental programs extend to every area of life is illustrative of this philosophical mindset. Yet, as the civil government has usurped roles reserved for individuals, families, and churches, the unpeaceful polarization of American citizens has increased abundantly. Why? American citizens are polarized because many of them, including those in government, seek their own interests and do what is right in their own eyes instead of serving others and submitting their lives to the truth of the Word of God. This is the dilemma of the natural man. Saint Augustine understood man's dilemma quite well. Man does not want peace on earth in any general sense of the word. Instead, man wants to achieve his own conception of peace by having others serve his interests.³⁹ This is the story of the history of the world. Yet, it is not the whole story.

A well-known Christmas verse is Isaiah 9:6, which reads, "For unto us a Child is born, Unto us a Son is given; And the government will be upon His shoulder. And His name will be called Wonderful, Counselor, Mighty God, Everlasting Father, Prince of Peace." The New Testament proclaims this Prince of Peace is none other than the God-Man, Jesus Christ. Christ came not to usher in man's conception of peace, but to reconcile God's people to Him so they may rightly love and glorify Him and seek the good of others, even above their own self-interests.⁴⁰ Until every form of American government (individual, family, church, and state) rests upon the shoulder of King Jesus, thereby submitting to His perfect Law, America will continue to fracture asunder. May it be God's will that every

³⁸ Greg L. Bahnsen, *Theonomy In Christian Ethics: Expanded Edition* (Phillipsburg, NJ: The Craig Press, 1984), 36.

³⁹ St. Augustine, *City of God*, Trans. By Henry Bettenson (New York, NY: Penguin Books, 2003): 877.

⁴⁰ 2 Cor. 5:18; Col. 1:21; Eph. 2:10; Heb. 10:24; Jn. 14:27; Matt. 5:16; Rom. 5:10; Php. 2:1-4.

American will be like the following person in Isaiah 66:2: “But on this *one* will I look: On *him who is* poor and of a contrite spirit, And who trembles at My word.”

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