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HIST 380

Pedagogical Report: Natural Law

 The concept of natural law has been used in government dating back to biblical times and is used modern governments. This essay will cover the books *Historical and Theological Foundations of Law* by John Eidsmoe, *America: History of our Nation* by James West Davidson, *The American Journey: A History of the United States* by David Goldfield, *Barron’s Law Dictionary*, and William Blackstone’s theory of natural law.

 Sir William Blackstone defines his theory of natural law as “For as God, when He created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion; so, when he 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 gave him also the faculty of reason to discover the purport of those laws.”[[1]](#footnote-1)

 In *Historical and Theological Foundations of Law*, Eidsmoe gives an example of natural law in ancient Egypt, “Justice should be available to the poor on an equal basis with the rich, justice is a natural force, but also that justice is a natural force that judges somehow can and should control.”[[2]](#footnote-2) Eidsmoe provides another example of natural law being used in the United States Constitution, “God hath created all men free and equal and endowed them with certain unalienable rights… All men are free to worship God according to the dictates of their own consciences”.[[3]](#footnote-3) Eidsmoe would quote Martin Luther who related natural law with the Ten Commandments stating, “The Decalogue is not of Moses, nor did God give it to him first. On the contrary, the Decalogue belongs to the whole world; it was written and engraved in the minds of all human beings from the beginning of the world.”[[4]](#footnote-4) Eidsmoe suggests that people originally believed in one God and therefore followed his law which directly correlates with the theory of natural law. Man would fall into sin and would become polytheistic which would cause man to separate from God’s natural law.

 The textbook *America: History of our Nation* by James West Davidson, the audience is a middle school level social studies class. Natural law in this book is defined in a section related to the Declaration of Independence. It mentions that the term natural rights is brought up in the first section of the Declaration of Independence. It defines natural rights as, “Rights that belong to all people from birth.”[[5]](#footnote-5) Davidson also talks about the goal for people to form governments is to protect those natural God given rights. When the government does not protect the natural rights of the people, then it is the people’s right and duty to overthrow the government and create a new one to protect the future of others.

 In *The American Journey: A History of the United States* by David Goldfield, the definition of natural rights given is, “the inherent right to life liberty and property.”[[6]](#footnote-6) Goldfield uses natural law in context with slavery during the revolutionary war. He talks about how during the revolution, colonists who live in the north, saw the evils and slavery and how it was hypocritical to the theory of natural rights. Goldfield in his definition of natural rights uses John Locke’s theory of every man has certain unalienable rights which are life, liberty and property.

 There are many similarities between the different definitions of natural law or natural rights. One reoccurring theme is that the colonists during the American Revolution used the concept of natural rights as a rallying cry in their fight for independence. In Blackstone’s philosophy of natural law, he mentions that we all have God given rights. Throughout time, civilizations have had used life, liberty and property, dating back even to ancient Egypt. The belief that everybody, no matter poor or rich should have equal protection of the law and the right to justice. In *Barron’s Law Dictionary*, the definition of natural law is, “law which so necessarily agrees with the nature and state of man, that without observing its maxims, the peace and happiness of society can never be preserved.” [[7]](#footnote-7) Definitions from the other textbooks have some concept that is stated from *Barron’s Law Dictionary*. The concept of the law that necessarily agrees with the nature and state man.

 In conclusion, the terms natural law and natural rights that are used in the textbooks that were researched have definitions that are practically identical. Its seems that in older writings such as Martin Luther and Blackstone, correlate natural law directly with God’s will. When comparing Luther and Blackstone with the American government philosophy, the founding fathers use terms such as unalienable rights instead of directly relating to God. Throughout time, the definition of natural law has changed slightly but the main concept has remained the same.

Bibliography

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1. “Natural Law and Sir William Blackstone,” *All about Philosophy*, accessed February 13, 2018, https://www.allaboutphilosophy.org/natural-law-and-sir-william-blackstone-faq.htm [↑](#footnote-ref-1)
2. John Eidsmoe, *Historical and Theological Foundations of Law* (Ventura, CA: Nordskog Publishing, 2011), pg. 23 [↑](#footnote-ref-2)
3. John Eidsmoe, Historical and Theological Foundations of Law (Ventura, CA: Nordskog Publishing, 2011), pg. 151 [↑](#footnote-ref-3)
4. John Eidsmoe, Historical and Theological Foundations of Law (Ventura, CA: Nordskog Publishing, 2011), pg. 249 [↑](#footnote-ref-4)
5. James David West, America: A History of our Nation (Upper Saddle River, NJ: Pearson Education Inc., 2003), pg. 177 [↑](#footnote-ref-5)
6. David Goldfield, The American Journey: A History of the United States (Upper Saddle River, NJ, Pearson Education Inc., 2004), pg. 206 [↑](#footnote-ref-6)
7. Steven H. Gifis, Barron’s Law Dictionary (Hauppage, NY: Barron’s Educational Series, Inc., 2010), pg. 354 [↑](#footnote-ref-7)