



Principle Approach® Education

THE LAW OF NATURE IN JOHN LOCKE'S WRITINGS: A BREAK WITH CLASSIC NATURAL LAW?

by Mary Elaine Swanson

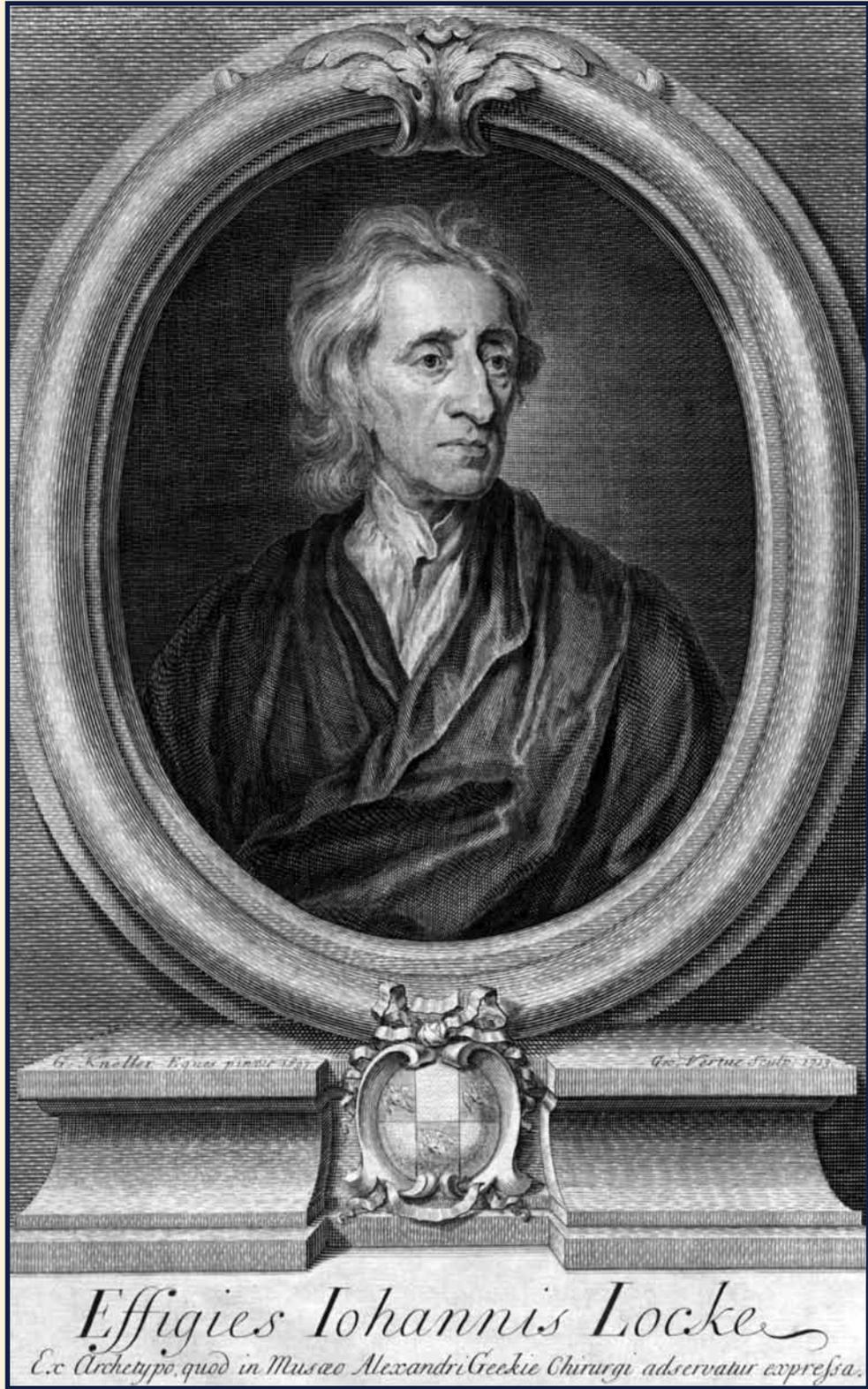
. . . 'tis plain in Fact, that human Reason unassisted, failed Men in its great and proper business of Morality. It never from unquestionable Principles, by clear Deductions, made out an entire Body of the Law of Nature. And he that shall collect all the moral Rules of the Philosophers, and compare them with those in the New Testament, will find them to come short of the Morality delivered by our Saviour, and taught by his Apostles.

—John Locke,

The Reasonableness of Christianity as Deliver'd in the Scriptures¹

Thomas Jefferson (1743–1826) called him one of “the three greatest men that ever lived.”² The American colonial clergy extolled his defense of man’s God-given rights to “life, liberty and property” and taught his political principles to their congregations. In his Plymouth Anniversary Sermon of 1774, the Reverend Gad Hitchcock (1718–1803) expressed the thoughts of many a minister when he referred to him as “that prince of philosophers . . .”³ James Madison (1751–1836) declared that his political writings were “admirably calculated to impress on young minds the right of Nations to establish their own Governments, and to inspire a love of free ones.”⁴ Madison also paraphrased his extended view of property in his own writing on the subject.⁵

The object of all this admiration was John Locke (1632–1704), the English seventeenth-century philosopher known to the Founding Father generation as “the great Mr. Locke” because of his *Two Treatises of Civil Government* (1690) which justified England’s “Glorious Revolution” of 1688. The glory of that revolution was that it placed William and Mary on the throne as sovereigns elected by Parliament and sworn to uphold the Bill of Rights produced by that body in 1689. Among other statements of rights of the English people, the bill declared that no taxes were to be levied on the people except by the consent of Parliament.



Effigies Iohannis Locke

Ex Archetypo, quod in Museo Alexandri Geckie Chirurgi adseruatur expressa.



To the American colonists, the English Bill of Rights came to be revered as embodying the rights of all Englishmen, whether living in Great Britain or in her colonies across the seas. That the political ideas of “the celebrated Locke” had played a role in “the great settlement” of 1689 was discussed in the colonial press. In 1773, that redoubtable Puritan patriot, Samuel Adams (1722–1803), extolled Locke’s *Two Treatises of Civil Government* in a front-page article published in the *Boston Gazette* of March 1, declaring that they were “universally read and admired by all Lovers of Liberty.”⁶ He also asserted that “It is well known among the learned, that Mr. Locke’s two Treatises on Government, of which this [the Second Treatise] is by far the most Valuable, contributed more essentially to the establishing the Throne of our Great Deliverer King William, and consequently to the securing the Protestant Succession, than the Battle of the Boyne, or indeed all the Victories since obtained.” Adams went on to claim that:

This Essay alone, well studied and attended to, will give to every intelligent Reader a better View of the Rights of Men and of Englishmen, and a clearer Insight into the Principles of the British Constitution, than all the Discourses on Government . . . It should be early and carefully explained by every Father to his Son, by every Preceptor in our public and private Schools to his Pupils, and by every Mother to her Daughter.

The *Two Treatises* were among the most widely cited political writings in colonial America. Many members of the influential New England clergy taught Lockean principles of government to their congregations in their Election Sermons using Locke’s treatises. They were also familiar with his writings on religious toleration and on the extent of the human understanding. He was quoted by the New England clergy as early as 1738, and after 1763 references to him became more and more numerous. He was cited not only by prominent ministers in towns like Boston, but also by country parsons.⁷

There was scarcely a Founding Father who did not quote from Locke in his writings. Locke’s assertion—that just civil government was originated by compact; that men were the workmanship of God from whom they received their rights to life, liberty, and property; and that the only legitimate end of government was the defense of these rights—struck a responsive chord in the minds of colonial Americans. As the day grew closer when independence from Great Britain must either be claimed or rejected, Locke’s views on the right of revolution were increasingly consulted and quoted. When independence finally came, Jefferson paraphrased Locke when he wrote the Declaration of Independence.⁸ Later, Lockean ideas found their way into the United States Constitution, particularly the Bill of Rights.

WIDESPREAD MISUNDERSTANDING OF LOCKE’S VIEWS

John Locke drew heavily on the Bible in his writing of both the *First* and *Second Treatises of Civil Government*, but he also drew heavily on the Law of Nature. Since the American Founding Fathers closely followed Locke’s ideas on the Law of Nature as undergirding all just positive laws, it is important to understand what this term meant to him and to them. It is particularly important today because a widespread misunderstanding of the term “the Law of Nature” and of Locke’s views on this subject has



gained currency in recent years and has been widely adopted by scholars across the board. Complaints are made from two different groups of scholars.

First, some Christian scholars view the Law of Nature solely as a concept derived from pagan classical scholars and have concluded that it has no place in Christianity. Also, their reasoning goes, if our Founding Fathers were following political ideas based on the Law of Nature, they were following non-Christian, or even anti-Christian ideas, whether they were aware of this or not.⁹ Therefore the Declaration of Independence and the Constitution start from a flawed basis.

Second, other scholars applaud the adoption by the medieval Christian Church of Aristotle's philosophy of natural law. To them, this classical version of the Law of Nature is the true one. These scholars believe that a serious break with the medieval tradition occurred in the seventeenth century when, according to them, philosophers such as John Locke diluted, secularized, or perverted the medieval view. The result was what they refer to as "modern natural law" in contradistinction to "classic natural law" doctrines.

Among scholars holding these views is the respected historian Forrest McDonald who asserts that Locke's theory of natural rights is "a perversion of the Western World's natural law tradition . . ."¹⁰ In regard to Locke and his ideas on the Law of Nature, University of Chicago professor Leo Strauss and his students and followers maintain the same stance. To Strauss, Locke is one of the primary exponents of modern natural right and natural law theories. Strauss maintains that with the arrival of these "modern" natural law theories, the old (and true) theory as advanced by Thomas Aquinas (1227–1274), Aristotle (384–322 B.C.), and Plato (425–327 B.C.) was replaced by a modern rationalist viewpoint, typified by Locke, one that secularized natural law and cut it off from its medieval Christian moorings.

NATURAL LAW TRANSFORMED BY THE PROTESTANT REFORMATION

Those philosophers and historians who believe that there was a break between Thomistic natural law doctrines and later views of the Law of Nature are, I believe, correct. But the idea that the break was owing to a secularization of the older natural law tradition is an extraordinary mistake. A break in the natural law tradition did indeed occur, but it was as a result of the Protestant Reformation, which emphasized the importance of the individual and of his liberty of conscience as well as his rights in regard to religious worship and political liberty. This was something quite different from classic and medieval natural law theories, which emphasized duties rather than rights, and viewed the individual as subordinate to the whole. Politically, this meant that the individual was subordinate to the state. The Reformation asserted the right of the individual to read the Bible for himself (or herself) and prayerfully to interpret it with the help of the Holy Spirit and by the use of his God-given reasoning powers. The desire to fashion churches after the New Testament model also played a great role in the Reformation and the idea of godly and just church government in accord with that model naturally spread to the idea of justice and right in the sphere of civil government. In both Church and State, the dignity of the individual emerged more and more as a reformation occurred in men's hearts as the result of their study of the Bible.



THE LAW OF NATURE IN THE ANCIENT WORLD

The best minds of the ancient world had no Bible to guide them; they only had recourse to their reason. The philosophers of ancient Greece tried to discover what was the good life according to nature and what was the best form of government for mankind, the one most in accord with his nature. To see how the shift occurred between the older natural law tradition that appeared in Greece and Rome and the one that came to the fore during the Protestant Reformation, it is necessary to go back to the ancients and discover what the Law of Nature was as seen through the eyes of these philosophers of the pre-Christian world. It is evident that they—Plato and Aristotle, in particular—had some notion of a divine power behind and supporting natural law. Sometimes it was spoken of as “of the gods,” but sometimes as coming from one God.

The Greek philosophers of antiquity sought for answers as to what was naturally good for man. To do this, they realized they needed to know the nature of man, his natural constitution, and a life in accordance with that nature. They recognized that what distinguishes men from beasts is his ability to reason and to understand. The good life they saw as the life in accordance with man’s nature. They also saw that the good life was one of virtue and excellence.

PLATO: THE STATE GOVERNED BY AN INTELLECTUAL ELITE

Among the ancient philosophers there were differences regarding what they viewed as the best form of government for man, the one most in accord with his nature. Plato and his teacher, the celebrated Socrates, reasoned that the “best” government was of an intellectual elite who would know better than the ignorant man what was “right” for him; only the “superior” man could know how to render to a man “his due.” An ideal government by the elite, however, was impossible of realization. Therefore, in practical terms, it would be necessary to modify this ideal system by allowing the “unwise” to have the power of consent over the decrees of the “wise.” Thus, a balance would be kept, although the results would be far inferior to the ideal. In this Socratic/Platonic ideal government, the guardians of the state would select the strongest and most intelligent men and women who, without possessions of their own, would be brought together in communal housing. Marriage would be only for procreation; the children would be raised communally without knowing who their actual parents were.¹¹ The Socratic/Platonic view was that happiness resides in the State as a whole rather than in individual lives.¹²

ARISTOTLE: THE STATE AS EVOLUTIONARY DEVELOPMENT

Aristotle saw man as a “political animal,” as naturally social, and the state as the outcome of his need for sociality. He reasoned that the state was an evolutionary development with man moving from primitive society toward political society, wherein he believed the individual would find his fullest development as a member of the state. So, for Aristotle, too, the state was of primary importance and man, the individual, was secondary and necessarily subordinate to the state. He wrote:



And therefore, if the earlier forms of society are natural, so is the state, for it is the end of them and the nature is the end. For what each thing is when fully developed we call its nature, whether we are speaking of a man, a horse, or a family . . . Hence it is evident that the state is a creation of nature, and that man is by nature a political animal . . . Thus the state is by nature clearly prior to the family and to the individual, since the whole is of necessity prior to the part . . .¹³

Again, in the *Nicomachean Ethics*, he wrote: “For even if the good of an individual is identical with the good of a state, yet the good of the state is evidently greater and more perfect to attain or to preserve. For though the good of an individual by himself is something worth working for, to ensure the good of a nation or a state is nobler and more divine.”¹⁴

GOOD LAWS DETERMINED BY THE FORM OF GOVERNMENT

Aristotle’s famous forms of government—monarchy, aristocracy, constitutional government—and their perversions—tyranny, oligarchy, and democracy—have been widely studied and his views on their virtues and vices are still valid. He reasoned that forms of government, whether by one, the few, or the many, are “true forms” if they govern with a view to the common interest; whereas those that govern only with a view to their own private interests are perversions: “For tyranny is a kind of monarchy which has in view the interest of the monarch only, oligarchy has in view the interest of the wealthy; democracy, of the needy; none of them the common good of all.”¹⁵ But how to arrive at the common good? How to give each man what is his due? Aristotle was perplexed as to how to discover what laws are good or evil. It appeared to him that what was good under a monarchical form of government was bad under a constitutional form. Or, what was good under a democracy would be bad under an oligarchy. He ended by being uneasy about the nature of law.

But what are good laws has not yet been clearly explained; the old difficulty remains. The goodness or badness, justice or injustice of laws depends of necessity on the constitution of states. If so, true forms of government will of necessity have just laws, and perverted forms of government will have unjust laws.¹⁶

But just in what sense? Aristotle admits that “it will be clearly seen that all the partisans of different forms of government speak of a part of justice only.”¹⁷ Aristotle reasoned brilliantly, but could get only so far in his quest for what is natural to man and what is the best form of government because, lacking Divine Revelation—he had no way of arriving at an absolute standard that went beyond merely human reason.

CICERO’S VIEW OF NATURAL LAW

Later, in Rome, Marcus Tullio Cicero (106–43 B.C.) came closer to an awareness of the divine origin of natural right and natural law. He wrote in “The Law,” Book I: “Of all the questions which are ever the subject of discussion among learned men, there is none more important thoroughly to understand



than this, that man is born for justice, and that law and equity have not been established by opinion, but by nature.”¹⁸ He saw reason as giving man “many advantages over beasts” and that “there is but one essential justice which cements society, and one law which establishes this justice. This law is right reason, which is the true rule of all commandments and prohibitions. Whoever neglects this law, whether written or unwritten, is necessarily unjust and wicked.”¹⁹ He goes on to assert that “we have no other rule by which we may be capable of distinguishing between a good or a bad law than that of nature” and that the power of the law of nature “is not only far more ancient than any existence of states and peoples, but is coequal with God himself, who beholds and governs both heaven and earth. For it is impossible that the divine mind can exist in a state devoid of reason; and divine reason must necessarily be possessed of a power to determine what is virtuous and what is vicious.”²⁰

What to say then about bad laws? “If then in the majority of nations, many pernicious and mischievous enactments are made, which have no more right to the name of law than the mutual engagements of robbers, are we bound to call them laws? For . . . we cannot call that the true law of a people, of whatever kind it may be, if it enjoins what is injurious, let the people receive it as they will.” He concludes the paragraph with this declaration of the nature of law: “For law is the just distinction between right and wrong, made conformable to that most ancient nature of all, the original and principal regulator of all things, by which the laws of men should be measured.”²¹

Cicero spoke in the dying days of the Roman Republic, and his words fell on deaf ears. He seemed to speak from the republic’s glorious past but, in fact, his words were pointed toward the future when men would hold much clearer ideas about the Law of Nature.

MEDIEVAL NATURAL LAW

By the time medieval Church theologians were adopting Aristotle, the Church rather than the Scriptures, claimed to be the source of Christian revelation, the door of salvation through which the believer entered the Kingdom. Thomas Aquinas (1225–1274), in his learned *Summa Theologica*, followed Aristotle’s view of man as a “political animal” and believed with Aristotle that the state is “by nature.” But for Aquinas, as a Christian, nature and natural law were not self-existing, but were the product of Providence. For him natural law became a secondary cause, an instrument of Divine Providence. Still thinking in feudal terms, however, Thomas held that the Pope was the supreme earthly ruler, not only in the spiritual, but also in the secular realm, that this was true through the eternal law of God and the order of nature in which inferiors obey superiors.

“In the Pope the secular power is joined to the spiritual,” Aquinas wrote. “He holds the apex of both powers, spiritual and secular, by the will of Him who is Priest and King unto eternity.”²² Extending the idea of the superiority of the papal power to the field of both Church and State, Thomas Aquinas asserted further that the “Secular power is subject to the spiritual power as the body is subject to the soul, and therefore, it is not a usurpation of authority if the spiritual prelate interferes in temporal things concerning those matters in which the secular power is subject to him, or concerning those matters the



care of which has been entrusted to him by the secular power.”²³ To Aquinas, the *ecclesia* embraced the *res publica*, the latter having no separate existence. Order was a prime concern of Aquinas. For this reason, he was much more concerned with a well-ordered state than with individual rights. As Otto A. Bird observed in his book *The Idea of Justice*, “Aquinas . . . has much to say about natural law, but very little about the natural rights of individuals.”²⁴

THE BEST FORM OF GOVERNMENT ACCORDING TO THOMAS AQUINAS

As a part of his feudal view of life, with the Pope as supreme sovereign, Aquinas naturally viewed monarchy (when good) as the best form of government. He admitted however, that when bad, it can constitute the most naked form of tyranny, and he also admitted that in an “unjust government” the sovereign power “will be more harmful in proportion as it is more unitary.”²⁵ But Aquinas was confronted by a basic difficulty in trying to reconcile monarchy, as he saw it, with his Christian convictions regarding justice and the moral law. If the monarch is absolutely sovereign—and this is how Aquinas saw him—then there is no other earthly power to make him institute or obey laws of justice. The favorite maxims of Roman law were that whatever the prince willed had the force of law and that the sovereign is above the law and may not be bound by it. This was a pagan idea, but it had received sanction by the Church when the Church allowed itself to be adopted and protected by the Roman emperors. Aquinas fully accepted this view, although he realized it presented a severe problem in relation to the idea of justice. It was his conclusion, however, that kings ought to rule in accord with good laws, but that they could not properly be forced to do so. The obligation to respect justice rested on the conscience of the sovereign which bade him obey the Law of Nature implanted in him as in other men. But what if he did not obey the Law of Nature? In order to explain why God permitted tyrants to rule, Aquinas had to fall back on the idea that they must have been sent to punish a wicked people.

AQUINAS MISLED BY HIS RELIANCE ON ARISTOTLE

I do not wish to appear dismissive of the Christian contributions of Thomas Aquinas to an understanding of natural law. His system of thought stressed the Eternal Law of God as supreme, and the Law of Nature, or the Law of God “written in our hearts” (see Romans 2:14–15), as secondary. Nevertheless, he was sometimes misled by his reliance on Aristotelian philosophy. Dr. J. Budziszewski has addressed this problem in his excellent book *Written on the Heart: The Case for Natural Law*. An admirer of Thomas Aquinas, he is nevertheless aware of the problem posed by his reliance on Aristotle. He writes:

There is much for a Christian to complain of in Thomas Aquinas, and I speak as one who loves him. Though he knows that everything other than God is utterly dependent on God, he sometimes gives the impression that what goes on in nature is somehow less dependent on him than are the effects of his grace. Though he knows that there can be no sin without the complicity of the mind, he sometimes gives the impression that the mind has not fallen as far as the rest of us.²⁶



What is the reason for this? As Budziszewski sees it, “Some of these obstacles may result from his having borrowed a subscriptural ontology from pagan philosophers and modified it in the light of Scripture, rather than grounding it on Scripture in the first place.”²⁷ He believes that there are certain things in the writings of Thomas Aquinas that ought not to be there because of his reliance on pagan philosophers.

For example, Dr. Budziszewski discusses the way Aquinas speaks about the common good. He finds that there is a defect in it that does not come from natural law but from Aristotle, particularly Aristotle’s way of dealing with the parts and the whole. As we have seen, to Aristotle, the whole is prior to its parts. This raises a problem when thinking about the relationship between a state and its citizens. Are we to believe that the citizen is a part of the state?

Dr. Budziszewski believes that this is not a view Christians should accept. While he acknowledges that Christians are parts of the body of Christ, this means that our meaning and identity come from our relationship with Him, rather than the state.²⁸ Much as he admires Thomas Aquinas, Dr. Budziszewski believes that Aquinas and those who follow him have too easily accepted Aristotle’s opinions regarding “parts and wholes.” This is no mere intellectual quibble; it can have serious consequences. In Dr. Budziszewski’s words:

To hold that citizens and subjects belong to the City is not an ennobling imitation of the idea that believers belong to Christ but a debasing perversion of it. It is, in the most literal sense, an idolatry. The one idea says that for the sake of my neighbor I should sacrifice myself; the other implies that for the sake of the state I may have to sacrifice my neighbor.²⁹

NATURAL LAW SEPARATE FROM GOD’S ETERNAL LAW?

There is another problem with the natural law philosophy of Aquinas which also is attributable to his adoption of Aristotelian ideas; he sometimes gives the impression that he thought of natural law as separate from, although related to, God’s eternal law. It would not be fair to say that he intended such a division, since he wrote that “the light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law is nothing else than an imprint on us of the divine light.”³⁰ As such, natural law is the rational creature’s limited “participation of the eternal law.” (It is limited because “The human reason cannot have a full participation of the divine reason but according to its own mode and imperfectly.”³¹)

Nevertheless, elsewhere the reasoning of Aquinas suggests that natural law *is* sufficient for man in this world; it is only because man is destined for eternal life that he needs the Eternal Law as well as the Law of Nature. Aquinas wrote that “if man were ordained to no other end than that which is proportionate to his natural faculty, there would be no need for man to have any further direction on the part of his reason besides the natural law and human law which is derived from it. But since man is ordained to an end of eternal happiness . . . , therefore it was necessary that, besides the natural and the human law,



man should be directed to his end by a law given by God.”³² He follows this up later, in his Reply to Obj. I (which said that there was no need for a divine law in addition to the natural law and human laws derived from them): “By natural law the eternal law is participated in proportionately to the capacity of human nature. But to his supernatural end man needs to be directed in a yet higher way. Hence the additional law given by God, whereby man shares more perfectly in the eternal law.”³³

A GROWING DIVISION BETWEEN NATURE AND GRACE

It is easy to see how the unbeliever could take the natural law teachings of Aquinas and, not believing in God or eternal life, could simply cut them off from any connection with eternal law. He could then proceed to live on this earth quite adequately (such would be the theory) by the sole use of human reason with natural law viewed from a purely human basis.³⁴ Although Thomas Aquinas could not foresee the growing division which occurred between reason and Revelation, nature and Grace, a basic dualism was deduced by succeeding generations and, by the time of the Renaissance, humanism held full sway with the divine element very much in the background. It would seem that the reason for this Thomistic dualism was because of the great theologian’s admiration for Aristotle, whose philosophy he attempted to blend with Christianity and use as his authority in much of his writing. As a Christian, he wrote many fine and correct theological statements about natural law based on his understanding of the Scriptures. When he spoke as an Aristotelian, however, he adopted the emphases of Aristotle’s pre-Christian teachings. Thus, man needed eternal law because of his spiritual life to come, while his unassisted reason would be quite adequate for life on earth.

LOCKE SAW THE NEED FOR DIVINE REVELATION

It was precisely the limitations of the “unassisted reason” to guide man correctly here on earth which John Locke clearly discerned. He knew that Divine Revelation was absolutely essential to guide man here and now, as well as in the life to come. He did not rely on the works of pagan philosophers, believing that their moral systems left much to be desired. Indeed, he believed that men’s adherence to various philosophies played a role in “misleading men from the true sense of the sacred Scripture.”³⁵

He that will attentively read the Christian writers, after the age of the apostles, will easily find how much the philosophy they were tinctured with influenced them in their understanding of the books of the Old and New Testament. In the ages wherein Platonism prevailed, the converts to Christianity of that school, on all occasions, interpreted holy writ according to the notions they had imbibed from that philosophy. Aristotle’s doctrine had the same effect in its turn; and when it degenerated into the peripateticism of the schools, that, too, brought its notions and distinctions into divinity, and affixed them to the terms of the sacred Scripture. And we may see still how, at this day, everyone’s philosophy regulates every one’s interpretation of the word of God.³⁶



He was convinced that “we shall, therefore, in vain go about to interpret [the apostles’ words] by the notions of our philosophy, and the doctrines of men delivered in our schools. This is to explain the apostles’ meaning by what they never thought of whilst they were writing; which is not the way to find their sense, in what they delivered, but our own, and to take up, from their writings, not what they left there for us, but what we bring along with us in ourselves.”³⁷ As to how to interpret the Scripture without the use of philosophy, Locke wrote that,

. . . the Christian religion is a revelation from God almighty, which is contained in the Bible; and so all the knowledge you can have of it must be derived from thence . . . “What is the best way of interpreting Scripture?” Taking “interpreting” to mean “understanding,” I think the best way for understanding the Scripture . . . is to read it assiduously and diligently; and, if it can be, in the original. I do not mean, to read every day some certain number of chapters, as is usual; but to read it so, as to study and consider, and not to leave till you are satisfied that you have got the true meaning.³⁸

He recommended the use of several Commentaries, (Matthew Poole’s *Synopsis Criticorum*, Dr. Hammond’s commentary on the New Testament, and Dr. Whitby’s) with a caution that no Bible commentator is infallible, only the Holy Scriptures “which were dictated by the infallible Spirit of God.”³⁹ Locke’s approach to the Bible reflected his upbringing. He was born into a devout Puritan family in the West Country of England. Throughout his entire life he maintained the Puritan’s deep reverence for the Bible as the Word of God. Although often depicted today as one who believed only in “natural religion” and that there was no need for Revelation, such was far from the truth. In fact, he wrote *The Reasonableness of Christianity as Deliver’d in the Scriptures*, to convince the Deists of the *necessity* of Biblical Revelation. He wrote:

But “natural Religion” in its full extent, was no where, that I know of, taken care of by the force of natural Reason . . . It would seem by the little that has hitherto been done in it, that ’tis too hard a Task for unassisted Reason, to establish Morality in all its Parts upon its true Foundations, with a clear and convincing Light . . . We see how unsuccessful in this, the Attempts of Philosophers were before our Saviour’s time. How short their several Systems came of the perfection of a true and compleat morality is very visible.⁴⁰

LOCKE’S BIBLICAL APPROACH TO THE LAW OF NATURE

Locke contends that, far from being sufficient for man, human reason actually had failed him, because “it never from unquestionable Principles, by clear Deductions, made out an entire Body of the Law of Nature. And he that shall collect all the moral Rules of the Philosophers, and compare them with those contained in the New Testament, will find them to come short of the morality delivered by our Saviour and taught by his Apostles . . .”⁴¹ In contrast to this approach, Locke adhered to the Biblical view of the Law of Nature as explained by St. Paul in his Epistle to the Romans, Chapter 2, Verses 14–15. Here Paul compared the Word of God, revealed in the Scriptures, with the Work of God, revealed in His Law of Nature planted in men’s hearts from the beginning of creation.



For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts meanwhile accusing or else excusing one another.⁴²

In Locke's *Paraphrases and Notes on the Epistles of St. Paul*, Locke renders this passage as follows:

For when the Gentiles who have no positive law given them by God, do, by the direction of the light of nature, observe or keep to the moral rectitude, contained in the positive law, given by God to the Israelites, they, being without any positive law given them, have nevertheless a law within themselves; And show the rule of law written in their hearts, their conscience also bearing witness to that law, they amongst themselves, in the reasoning of their own minds, accusing or excusing one another.⁴³

Locke comments that "though, from Adam to Christ, there was no revealed, positive law, but that given to the Israelites; yet it is certain that, by Jesus Christ, a positive law from heaven is given to all mankind, and that those to whom this has been promulgated, by the preaching of the Gospel, are all under it, and shall be judged by it."⁴⁴

REASON AND REVELATION

Locke saw clearly that God had revealed Himself in two ways: through the Law of Nature and through the positive law revealed in the Scriptures, in other words through Reason and Revelation. In Locke's *Essay Concerning the Human Understanding*, he gives these illuminating definitions of Reason and Revelation:

Reason is natural revelation, whereby the eternal Father of light, and fountain of all knowledge, communicates to mankind that portion of truth which he had laid within the reach of their natural faculties: revelation is natural reason enlarged by a new set of discoveries communicated by God immediately, which reason vouches the truth of, by the testimony and proofs it gives that they come from God.⁴⁵

Here he uses Reason in a very different sense from man's "unassisted reason." Note what he says about this kind of reason. It is "natural revelation." Who is doing the revealing to man? It is God, the eternal Father of light. Obviously, this is a much higher view of reason than that espoused by the deist who saw reason as a purely human faculty detached from the Creator. The following statement also brings out how God guides our reasoning processes: "When we find out an idea, by whose intervention, we discover the connection of two others, this is a revelation from God to us by the voice of reason. For we then come to know a truth that we did not know before. When God declares any truth to us, this is a revelation to us by the voice of his spirit, and we are advanced in our knowledge."⁴⁶



GOD'S GIFT OF INTUITION

One might say that this is a revelation God gives to the human mind through a flash of intuition. Locke says in the *Essay Concerning Human Understanding* that there are three kinds of knowledge: *intuitive* (the immediate perception of self-evident truths), *demonstrative* (requiring a logical reasoning process), and sensitive (arrived at through the five senses).⁴⁷ *Under Intuitive Knowledge*, Locke observes:

This part of knowledge is irresistible, and like bright sunshine forces itself immediately to be perceived, as soon as ever the mind turns its view that way; and leaves no room for hesitation, doubt, or examination, but the mind is presently filled with the clear light of it.⁴⁸

He follows this passage with a highly significant comment that “it is on this intuition that depends all the certainty and evidence of all our knowledge . . .” How does man come to have this intuitive knowledge? Through “a revelation of God to us from the voice of his spirit.” It is an immediate perception, and intuition, in the mind rather than a laborious thinking process. Moreover, it is necessary in every step of demonstrative reason. “Now, in every step reason makes in demonstrative knowledge, there is an intuitive knowledge of that agreement or disagreement it seeks with the next intermediate idea, which it uses as a proof . . . By which it is plain, that every step in reasoning that produces knowledge has intuitive certainty . . .”⁴⁹

THE LAW OF NATURE AS THE WILL OF GOD

In his *Second Treatise of Civil Government*, Locke also refers to the Law of Nature as “the eternal rule of all men” and as “the will of God.” Paragraph 135 reads:

Thus the law of Nature stands as an Eternal Rule to all Men, *Legislators* as well as others. The *Rules* that they make for other Men's actions, must, as well as their own, & other Men's Actions, be conformable to the Law of Nature, i.e., the Will of God, of which that is a declaration, and the *fundamental Law of Nature being the preservation of Mankind*, no Human Sanction can be good, or valid against it.⁵⁰

Here he links the Law of Nature to an Eternal Rule for all men, and as the Will of God, which is the preservation of all mankind. Elsewhere in the *Second Treatise* he speaks of “common Reason and Equity” as “*that measure God has set to the actions of Men for their mutual Security*” (Para. 8). Reason is also defined as “the common Rule and Measure, God hath given to Mankind . . .” (Para. 11) Finally, Locke declares that “the Municipal Laws of Countries . . . are only so far right, as they are founded on the Law of Nature, by which they are to be regulated and interpreted.” (Para. 12)

The discerning reader of the *Two Treatises* will notice that Locke most often uses the term “the Law of Nature” rather than the term “natural law.” Why is this? It may well be because the term natural law meant to him moral law understood or developed by the human mind, as seen in the works of the pagan



philosophers of antiquity, while the Law of Nature, as he understood it, was the Law of God revealed to man *through* reason.⁵¹

Most important of all, he discerned the superiority of the Divine Moral Law in the Scriptures, which presented the *entire* Law of Nature beyond what human reason could discern:

’Tis true, there is a Law of Nature; but who is there that ever did, or undertook to give it to us all entire, as a Law? . . . Where was there any such code that mankind might have recourse to, as their unerring Rule, before our Saviour’s time? . . . Such a Law of Morality Jesus Christ hath given us in the New Testament . . . by Revelation. We have from him a full and sufficient Rule for our direction, and conformable to that of Reason . . . Here Morality has a sure Standard, that Revelation vouches and Reason cannot gainsay, nor question; but both together witness to come from God, the great Law maker. And such an one as this out of the New Testament, I think the World never had, nor can any say is any where else to be found.⁵²

To recapitulate: In Locke’s philosophy of life and of political relationships, he saw Reason and Revelation as twin aspects of the Godhead, hence, as also twin aspects of man’s living—never as two antagonistic forces pulling against each other. Locke saw the Law of Nature as the Will of God revealed to man subjectively through reason (and intuition). Revelation he saw as the Will of God revealed to man objectively through the Holy Scriptures which confirmed and completed the Law of Nature and gave it authority as the Law of God.

THE VIRGINIA DECLARATION OF RIGHTS

As one becomes acquainted with Locke’s deeply Christian understanding of the Law of Nature, we can see more clearly why the Founding Fathers and the Founding Clergy were so impressed by his writings on natural rights and the proper role of civil government in protecting them. As the years wore on in their debate with the Mother Country over infringements of their Charter and Constitutional rights, both clergy and laymen read with increasing interest Locke’s writing on the Law of Nature and on the nature of just civil government which, according to Locke, exists to protect men’s God-given natural rights to their “Lives, Liberties and Estates, which I call by the general Name, Property.” (Par. 123)

By the time George Mason wrote the Virginia Declaration of Rights, adopted June 12, 1776 by the Virginia Convention, Lockean political ideas were widely accepted throughout the colonies and were reflected in many of the articles of this great Declaration. The Virginia Declaration became the model for many of the state declarations of rights that followed the Declaration of Independence. Historian Robert Rutland noted that, “In a good many cases, the work was done with scissors, paste pot and a copy of the Virginia Declaration . . .”⁵³ Thus, Lockean ideas on the Law of Nature and the true character of civil government were incorporated into the laws of the several new-born states.



Mason was a strong Christian and an authority on English constitutional law. He was not only the author of the Declaration of Rights but also of the major part of Virginia's Constitution which followed hard on the heels of the Declaration of Rights. Lockean philosophy is firmly in the foreground of the Declaration which begins by asserting in Article I:

That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.⁵⁴

The reader familiar with Locke's *Second Treatise* will hear echoes of Locke throughout Mason's Declaration and will see that Jefferson proceeded along the same lines in writing his Declaration of Independence. In reading the Virginia Declaration of Rights and Jefferson's Declaration of Independence, one cannot help reflecting on the difference between the English Glorious Revolution of 1688 and our own. The English *adapted* Lockean ideas to their institutions, but it was the Americans who *adopted* them wholeheartedly as they went about creating the new American states and the United States of America. Could John Locke have seen them at work, he would have been proud of these, his best and brightest students. He would have been glad that both clergy and laymen understood and appreciated the Christian basis undergirding his political philosophy.



- ¹ John Locke, *The Reasonableness of Christianity in The Christian History of the Constitution of the United States of America*, Vol. I: *Christian Self-Government*; Vol. II: *Christian Self-Government with Union*, Verna M. Hall, Compiler, (San Francisco: Foundation for American Christian Education, 1962, 1979), 2:87.
- ² See Noble E. Cunningham, Jr., *In Pursuit of Reason: The Life of Thomas Jefferson* (Baton Rouge and London: Louisiana State University Press, 1987), 129. The other two great men he cited were Bacon and Newton.
- ³ See Gad Hitchcock, *A Sermon Preached at Plymouth*, December 22, 1774, in *The Christian History of the American Revolution: Consider and Ponder*, Verna M. Hall, Compiler, (San Francisco: Foundation for American Christian Education, 1975), 41c.
- ⁴ Letter of James Madison to Thomas Jefferson, in *The Republic of Letters: The Correspondence between Jefferson and Madison, 1776–1826*, 3 vols. (New York and London: W. W. Norton & Company, 1995), 3:1924.
- ⁵ See James Madison's essay "Property," 1792, in *Letters and Other Writings of James Madison*, in 4 vols. (Philadelphia: J. B. Lippincott & Co., 1867), 4:478–480, or excerpt in Hall, *Christian History*, 1:248a.
- ⁶ This quote and the two that follow are from the front page of the *Boston Gazette* for March 1, 1773, reproduced in Hall, *Christian History*, 2:69.
- ⁷ See Alice Baldwin's landmark study, *The New England Clergy and the American Revolution*, 1928 (New York: Frederick Ungar Publishing Co., 1958), 7–8.
- ⁸ Locke wrote in his *Second Treatise of Civil Government*, Chapter xix, of "a long train of Abuses, Prevarications, and Artifices, all tending the same Way," which Jefferson changed to "a long train of abuses and usurpations pursuing invariably the same object . . ." Locke wrote of "the People, who are more disposed to suffer than right themselves by Resistance . . ." In Jefferson's wording, this became, "mankind are more disposed to suffer while evils are sufferable than to right themselves . . ." For the Locke quotes see facsimile edition of the *Second Treatise* in Hall, *Christian History*, 1:119, 120.
- ⁹ See C. Gregg Singer, *A Theological Interpretation of American History*, (Phillipsburg, N.J.: Presbyterian and Reformed Publishing Co., 1981). He stated that behind the American Declaration of Independence was "a view of God and of human nature which was not Christian but deist" and that the Declaration's character was therefore "essentially anti-Christian," 40. See also Rousas J. Rushdooney's view that natural law is a pagan Greek concept and is in opposition to Biblical law in *The Politics of Guilt and Pity* (Vallecito, Ca.: Ross House Books, 1970), 99. In his *Institutes of Biblical Law*, 684, he states that "Natural law philosophers attempt to present us God's world without the God of Scripture and Scripture's law."
- ¹⁰ See text of his talk at Hillsdale College, printed in the July, 1983 issue of *Imprimis*.
- ¹¹ Plato's *Republic*, Book v, trans. B. Jowett, in *Plato: Five Great Dialogues* (New York: Walter J. Black, Inc., 1942), 343–53.
- ¹² Plato's *Republic*, Book iv, 308.
- ¹³ Aristotle's *Politics*, Book I, Chapter 2, in *Aristotle on Man in the Universe* (New York: Walter J. Black, Inc., 1943), 251–52.
- ¹⁴ Aristotle's *Nicomachean Ethics*, Book I, Chapter 1, in *Aristotle on Man in the Universe*, ed. Louise Ropes Loomis (New York: Walter J. Black, 1943), 88.
- ¹⁵ Aristotle's *Politics*, Book III, Chapter 7, in *Aristotle on Man in the Universe*, 299.
- ¹⁶ Aristotle's *Politics*, Book III, Chapter ii, in *Aristotle on Man in the Universe*, 306.
- ¹⁷ Aristotle's *Politics*, Book III, Chapter 9, in *Aristotle on Man in the Universe*, 302.
- ¹⁸ Marcus Tullio Cicero, *The Treatises of Cicero*, tr., C. D. Yonge (London, 1853), "On the Laws," Book I, in *The Western Tradition* (Boston: D. C. Heath and Company, 1959), 117.
- ¹⁹ *Ibid.*, 117, 119.
- ²⁰ *Ibid.*, 120.
- ²¹ *Ibid.*, 121.
- ²² Thomas Aquinas's commentary on the Sentences of Peter Lombard, II, 44, expositio textus, cited by Dino Bigongiari in *The Political Ideas of St. Thomas Aquinas* (New York: Hafner Publishing Co., Inc., 1953), xxxiv.
- ²³ Aquinas, *The Summa Theologica*, II–II, q. 60, a. 6, in *Political Ideas of Thomas Aquinas*, xxxiv.
- ²⁴ Otto A. Bird, *The Idea of Justice* (New York: Frederick A. Praeger, 1967), 122.
- ²⁵ Aquinas, *On Kingship (De Regimine Principum)*, Book i, Chapter iii, in *The Political Ideas of St. Thomas Aquinas*, 182.
- ²⁶ J. Budziszewski, *Written on the Heart: The Case for Natural Law* (Downers Grove, Illinois: Inter-Varsity Press, 1997), 190.
- ²⁷ *Written on the Heart*, 190.
- ²⁸ See *Written on the Heart*, 194.
- ²⁹ *Written on the Heart*, 195.
- ³⁰ *The Summa Theologica*, (First Part of the Second Part), Question 91, Second Article: Whether there is in us a Natural Law?, in *The Political Ideas of St. Thomas Aquinas*, 13–14.
- ³¹ *Ibid.*, 15.
- ³² *The Summa Theologica* (First Part of the Second Part), Question 91, Fourth Article: Whether there was any need for a Divine Law?, in *Political Ideas of St. Thomas Aquinas*, 17.
- ³³ *Ibid.*, 18.



- ³⁴ See Dr. Francis A. Schaeffer's *Escape from Reason* (Chicago: Henry Regnery Company, 1965), for a provocative discussion of Thomas Aquinas and the autonomous realm of reason.
- ³⁵ John Locke, "An Essay for the understanding of St. Paul's Epistles, by consulting St. Paul himself," in *A Paraphrase and Notes on the Epistles of St. Paul to the Galatians, Corinthians, Romans, Ephesians*, in *The Works of John Locke*, 10 vols., London, 1823 (Germany: Aalen Scientia, 1953), 8:20.
- ³⁶ *Ibid.*, 20.
- ³⁷ *Ibid.*, 21.
- ³⁸ John Locke, *A Letter to the Reverend Mr. Richard King*, undated, in *Works*, 10:309–10.
- ³⁹ *Ibid.*, 10:311.
- ⁴⁰ John Locke, *The Reasonableness of Christianity*, as Delivered in the Scriptures, 1714 ed., in Hall, *Christian History*, 2:86–87.
- ⁴¹ *Ibid.*, 2:87.
- ⁴² As rendered by The King James Version of the Bible.
- ⁴³ *Paraphrases of St. Paul*, in *Works*, 8:265–66.
- ⁴⁴ *Ibid.*, 265.
- ⁴⁵ John Locke, *Essay Concerning the Human Understanding*, Book iv, Chapter XIX, Par. 4, in *Works*, 3:149.
- ⁴⁶ *Essay*, Book iv, Chapter VII, in *Works*, 3:31.
- ⁴⁷ See *Essay*, Book iv, Chapter II, "Of the Degrees of our Knowledge," for Locke's discussion of the three kinds of knowledge, in *Works*, 2:319–29.
- ⁴⁸ *Essay*, Book iv, Chapter II, Par. 1, in *Works*: 2:320.
- ⁴⁹ *Essay*, Book iv, Chapter II, Par. 7, in *Works*, 2:323. See Basil Willey's discussion on Locke's three kinds of knowledge in *The Seventeenth Century Background*, 1934 (New York: Doubleday & Company, Inc., 1953) 271–76; see also Gary T. Amos, in his excellent study, *Defending the Declaration: How the Bible and Christianity Influenced the Writing of the Declaration of Independence* (Brentwood, Tennessee: Wolgemuth & Hyatt, Publishers, Inc., 1989), 93–94.
- ⁵⁰ Facsimile edition of *Second Treatise* in Hall: *Christian History*, 1:94.
- ⁵¹ According to Gary Amos, this distinction between the Law of Nature and Natural Law was in use by the 1770s. In *Defending the Declaration*, 186 (note 22 of Chapter 2), he explained that: "'Law of nature' meant the objectively revealed moral law of God, first in nature (called 'general revelation' by Christian theologians), then in the positive moral law of Scripture. 'Natural law' denoted the fallen understanding or mental perception in man's mind of the law of nature. Some deists used the term 'natural law' to speak of man's ability to reason his way to a perfect understanding of natural justice."
- ⁵² John Locke, *The Reasonableness of Christianity*, 1714 ed., in Hall, *Christian History*, 2:89–90.
- ⁵³ Robert Rutland, *George Mason, Reluctant Statesman* (Colonial Williamsburg, Inc.: Holt, Rinehart and Winston, 1961), 67–68. Examples are the Declaration of Rights, which preceded Pennsylvania's Constitution, taken almost word-for-word from the Virginia Declaration, and the Maryland Declaration which also closely followed Mason's wording.
- ⁵⁴ For the full text of Mason's Declaration, together with earlier versions, see Helen Hunt Miller's *George Mason: Gentleman Revolutionary* (Chapel Hill: The University of North Carolina Press, 1975), 337–340.